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NATIVE TITLE NEWSLETTER

No. 2/97

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NATIVE TITLE NEWS OF FEBRUARY - MARCH 1997

National Indigenous Working Group on Native Title

At a press conference at Parliament House Canberra on April 16th the *National Indigenous Working Group on Native Title* (NIWG) released a position paper on the Indigenous response to the Wik decision and the Government's proposed amendments to the Native Title Act 1993. The 22 page document called *Co-existence: negotiation and certainty* presents the NIWG position on coexistence of rights on pastoral leases; amendments to the Native Title Act; agreements; Indigenous representative bodies; validation of mining and other interests; Indigenous economic empowerment package; recognition of native title on Aboriginal reserves and leases and heritage protection. The NIWG position is based on six key principles developed at the Wik Summit in Cairns and presented to the Prime Minister on February 7th.

The position paper is available on the Internet through FAIRA's web site at <http://www.thehub.com.au/~faira/niwg/>. This site is to be used by the National Indigenous Working Group on Native Title to keep people informed of events. The contact for the National Indigenous Working Group on Native Title is Olga Havnen Ph: (06) 234 3330 or Fax: (06) 282 4109.

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Yandicoogina

An agreement, hailed as native title's biggest success story since the legislation came into force, has been signed between RTZ-CRA subsidiary Hamersley Iron, the Gumala Aboriginal Corporation and 13 native title claimants. The agreement allows the Yandicoogina iron ore mine in the Pilbara to proceed. Under the agreement Hamersley Iron will pay \$60 million in compensation over the life of the mine into a trust fund to pay for community development. (*WA, 27 Mar, and Aus, 7 Apr*)

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NATIVE TITLE IN THE NEWS

(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.)

Aus = Australian
Ad = Advertiser (SA)
CM = Courier Mail (QLD)
CP = Cairns Post
CT = Canberra Times
Fin R = Financial Review
HS = Herald Sun (VIC)
Mer = Hobart Mercury
LE = Launceston Examiner
NTN = Northern Territory News
SMH = Sydney Morning Herald
Tel M = Telegraph Mirror (NSW)
WA = West Australian
WAus = Weekend Australian
KM = Kalgoorlie Miner

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CLAIMS

NSW

Moree

40 claims have been lodged to 20 per cent of the 32,000 hectares of travelling stock routes in the Moree Rural Lands Protection Board district. The Moree Rural Lands Protection Board will oppose the claim. (*The Land, 6 Feb, p6*)

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Narrandera [NNTT Ref#NC96/19]

The Wiradjuri people have claimed 48 separate areas within the town of Narrandera including parts of the cemetery, memorial gardens, race track, showground and school. The Narrandera shire announced that it had many implications for public works projects on land subject to the claim. Pre-Mediation meetings are being held in February. (*The Land*, 6 Feb, p9)

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South Coast [NNTT Ref# NC97/1]

Debra Jopson reviews South Coast land claims between Sydney and Ulladulla and the effect on Aboriginal communities in *SMH* feature article (*SMH*, Feb 24, p11).

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Lightning Ridge [NNTT Ref#NC96/26]

A public meeting heard concerns over a land claim by the Euahiay-i. The claim affects the town, opal mines and grazing properties. (*DT*, 25 Mar, p17)

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VICTORIA

Yorta Yorta [NNTT Ref#VC94/1]

The Corowa Shire has appealed for State and Federal Government financial assistance to local councils involved in mounting a response to the Yorta Yorta case. (*Corowa Free Press*, 5 Mar,)

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Wilson's Promontory [NNTT Ref#VC97/2]

The Gunai-Kurnai and Boonwuring peoples have lodged a joint claim over 490 square kilometres of Crown land in and near Wilson's Promontory National Park. ATSIC Commissioner Geoff Clark said the group would have preferred to negotiate outside of the Tribunal system, agreeing with the Premier that the legal process was slow. Mr Kennett has argued for a sunset clause to limit lodgment and determination periods (*Age*, 18 Mar, p5)*. The claim has the support of Gippsland independent MLA Susan Davies. (*HS*, 19 Mar, p24)*

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Gunai [NNTT Ref#VC97/4]

The Gunai have lodged a claim over all Crown land and water from Wilson's Promontory to Mallacoota. The claim includes the coal rich La Trobe Valley, the southern Alps, the Mount Hotham Ski resort and several national parks. Spokesperson for the Gunai, Mr Albert Mullett, said his people were sick of living on government handouts and wanted a

say in the management of the region. He believed that white people had failed to protect the region from environmental damage and to manage and conserve its assets properly. (*Age*, 31 Mar, pA4)

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Queensland

Gunggari and Bidjara claims [NNTT Ref#QC96/1 and QC/97/1]

Landowners meeting to discuss the Gunggari claim in the Roma/Charleville area and the Bidjara claim in the Charleville/ Mitchell area have said regional agreements are unacceptable. (*CM*, 15 Feb , p4)

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SW Qld [NNTT Ref#QC97/4]

The Wanggumara people have lodged a claim for approx. 2 million hectares of land covering land and waters in the Cooper Basin including sections of the Karmona, Durham Downs and Chastleton pastoral holdings. The claim excludes land identified by the first claim in July 1996.[NNTT Ref#QC96/13] (*Toowoomba Chronicle*, 7 Feb, p5)

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Western Australia

Mirriuwung Gajerrong #1 [NNTT Ref#WC94/2]

Kimberley artist Paddy Carlton Gwanbany will present his paintings in the Federal Court in July as proof of his Gadgerong people's native title; this follows the precedent set by Queenie McKenzie whose paintings were used in a claim against mining in Purnululu National Park. (*The Bulletin*, Mar 11, p17)

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Swan Valley [NNTT Ref#WC95/81]

Federal Court ruled that Bluegate Nominees could continue building a jetty for the Old Swan Brewery development, Aboriginal groups say it proves their fears that they have no rights under native title legislation. (*WA*, 3 Feb, p7)

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Ord River Development Area [NNTT Ref#WC94/2]

Mirriuwung and Gajerrong people with Ord River claims, warned Aboriginal negotiators against extinguishment of native title and a trade off of common law rights in a response to the recent NFF advertising

campaign. (*WA, 25 Mar, p10*)

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Northern Territory

Mbantuarinya Arrernte [NNTT Ref#DC94/2]

A claim filed by the Central Land Council for the Mbantuarinya Arrernte group which will go before the Federal Court in July, includes a claim on water and natural resources (*NTN, 14 Feb, p14*). The Government moved a censure motion against Opposition leader, Maggie Hickey, for failing to explain the ALP position on the claim. (*NTN, 20 Feb, p12*)

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Croker Island [NNTT Ref#DC94/6]

The first marine native title case, for waters 250 km north of Darwin claimed by the people of Croker Island, will be heard in the Federal Court next month. The Government's advice suggests that native title exists off-shore only to three nautical miles. (*Aus, 18 Mar, p13*)

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Larrakia [NNTT Ref# DC96/7]

The NT Labor Party who previously opposed the Larrakia claim as an ambit claim, will now support a negotiated settlement. (*NTN, 14 Mar, p2*)

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South Australia

De Rose Hill [NNTT Ref# SC94/2]

South Australia's first native title land claim opened in the Federal Court. The 1803 sq km claim embraces the pastoral leases of Agnes Creek, Paxton Bluff North and South and De Rose Hill. The claim was referred to the Federal Court after a breakdown in mediation. (*Ad, 5 Feb, p.7*)

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NATIVE TITLE ACT AMENDMENTS

The *Courier Mail* editor says regardless of the Century Zinc outcome, amendments to the Native Title Act, with a commitment from all parties, are required. (*CM, 17 Feb*) The Social Justice Commissioner, speaking at a racism conference, said the government's proposed amendments to the NTA were 'comprehensively wrong' and their legal basis has been superseded by Mabo. (*Sun CT, 23 Feb, p4*)

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MINING AND NATURAL RESOURCES

National

MIM chief executive Nick Stump warned that the future of Australia's biggest export industry, the mining industry, was under threat due to uncertainty on the land validation issue. In WA only two mining licences had been issued since the Native Title Act was enacted. MIM hope to develop the Ernest Henry copper mine near Cloncurry and the Enterprise Deeps copper mine at Mt Isa. (*WA, 4 Feb, p30*)*

The Minerals Council told Mr Howard that at least 10 planned mines worth potentially billions of dollars would be shelved unless the Federal Government resolved native title uncertainty. The names of the mines were not revealed. (*Age, 4 Feb, pA5*)* However the Minerals Council said that extinguishment of Native Title was not the mining sector's preferred response to the Wik decision and distanced itself from the stance taken by the National Farmers Federation. (*NTN 4 Feb, p6*)*

Private sector analyst, Access Economics, found 26 projects - including a pulp and paper mill, 17 proposals for mining and minerals processing and eight industrial and infrastructure developments - were in limbo following environmental or Aboriginal objections late in 1996. This made up 12% of projects listed as under consideration and was up on the September figure but was lower than at any other time in the past 15 years. (*Aus, 7 Feb, p4*)

In a four page feature article the Business Review Weekly looks at the negotiating policy and style adopted by RTZ-CRA which has dropped the adversarial approach and broken ranks with state and federal governments. (*Business Review Weekly, 10 Feb, pp18-21*)

The Commonwealth Minister for natural resources in a press release warns against a repeat of the Century Zinc 'failure'. (*Press release 15 Feb*)

Noel Pearson discussing the Cape York Heads of Agreement and regional agreements in a feature article says the regional agreement process is supportive of economic and regional development. (*CM 15 Feb, p26*)

CRA has established an Aboriginal Foundation to develop further its partnership with Aboriginal communities. CRA has selected Lois O'Donoghue as one of three Aboriginal trustees of the Foundation which will have an annual budget of \$1.1 million. It is seeking submissions from Aboriginal organisations seeking funding for arts, sport, health and education projects. (*Aus, 19 Mar, p23*)

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Northern Territory

The government announced that legislation will be introduced to preserve miners' priority rights to reapply for tenure against rival companies if leases were found to be invalid. (*Aus, 20 Feb, p4*)

The Northern Land Council believes hundreds of Territory mining

exploration leases were in doubt because the NT Government had ignored the future provisions of the Native Title Act and issued grants over pastoral leases since 1994 on the assumption that native title had been extinguished. (*NTN, 12 Mar, p16*)

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Western Australia

The Tjupan Ngalia people and gold explorers from the north-eastern goldfields have reached an agreement which has been lodged with the National Native Title Tribunal. The agreement is the first of its kind lodged with the NNTT and guarantees that there will be no further objections to exploration in return for recognition of significant sites and employment opportunities for claimants. (*WA, 6 Mar, p10*)

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Kintyre

The WA Government is set to approve a uranium mine at Kintyre bordering the Rudall River National Park. Western Desert Aborigines are strongly opposed to the mine going ahead. Martu people oppose uranium mining for health reasons, but say they will allow other mining if they can control where and when it occurs. (*WA, 8 Mar, p6*)

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Murrin Murrin

Anaconda Nickel's project which was stopped in December 1996 cannot resume until an agreement is reached on heritage and cultural matters. (*WA, 11 Mar, p27*)*

Talks between Anaconda Nickel and 16 native title claimants broke down over a rumoured \$1 million a year payment demanded by a claimant group. Claimant groups are dissatisfied with the remaining claimant group, which represents the Bibila-Lungutjarra and Goolburthunoo people, and claim they stand to lose up to \$200 million in benefits over the mine's life. (*WA, 26 Mar, p10*)

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Queensland

4,601 mining tenures have been issued in Queensland since January 1, 1994 when the Native Title Act came into being; the leases were issued on the assumption that pastoral and other leases extinguished Native Title. (*Fin R, 3 Feb, p8*)

Southern Pacific Petroleum NL and Central Pacific Minerals NL believe their title to the Stuart oil shale mining lease is secure and that it is 'highly unlikely' a native title claim would be made. (*CM, 4 Feb, p21*)

Opposition Leader, Peter Beattie, claimed northern Queensland's mining industry was choking on the State Government's freeze on mining leases which was a 'gross over reaction' to the Wik decision. Queensland Mining Council has previously warned the freeze would cripple the livelihoods of more than 200 small miners reliant on the regular release of short term permits. (*Cairns Post*, 7 Feb, p5)

Union Mining NL Managing director Mr Rob Murdoch said it was unable to access reserves and could run out of gold-bearing ore by July 7; the inability to access the reserves was due to the Queensland Government freeze on renewal of mining leases. (*Fin R*, 28 Feb, p38)*

The Queensland Government is moving to partially lift its freeze on land dealings in a bid to ease growing frustrations among miners and businesses. (*CM*, 1 Mar, p3)

The Queensland Government is set to lift its freeze on land dealings by introducing a system of indemnities against native title compensation claims. (*Aus*, 11 Mar, p2) The Courier-Mail's editor believes large scale development in Queensland is still going on despite the freeze. Negotiations between mining companies and Aborigines are proceeding although nothing can be finalised without state government approval. (*CM*, 11 Mar, p12) Mr Borbidge will announce the lifting of the freeze on land dealings but the proposed indemnity plan in which large companies would partially indemnify the Government against future compensation claims by native title holders has been rejected by the Queensland Mining Council. (*Aus*, 13 Mar, p5)* Hundreds of approvals allowing some development on leases were beginning to be processed after the lifting of the freeze. The two month freeze was criticised by the opposition as unnecessary but Mr Borbidge said the Government made no apology for its conservative and cautious approach which had tied up more than 1400 applications. (*CM*, 14 Mar, p2)*

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Savage Resources

An agreement has been reached between Aborigines and Savage Resources to protect cultural sites. An agreement for compensation has not been reached with the owner of the property on which the Comet site is situated near Emerald. The pastoralist said the mining company is being discriminatory in not disclosing settlement details. (*CM*, 3 Mar, p3)

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Ely

Cape York Aboriginal groups representing the Mapoon and Napranum people will sign an agreement with Alcan South Pacific (Alspac) allowing mining of the Ely bauxite. The agreement will provide royalties to communities around the Embly River region, north of Weipa. (*CM*, 10 Mar, p1) Government approval for the mine was still needed and Premier Borbidge was believed to be concerned that precedents could be set. (*CM*, 11 Mar, p2) Cape York Land Council solicitor, James Fitzgerald, believes the terms of the agreement are 'fair and reasonable' and that one

of the reasons for the successful negotiations was that the company had an open mind: 'They had been used to dealing with native title in a sensible way from their Canadian experiences.' Following the agreement the Cape York Land Council was now involved in negotiations with Comalco on another agreement. (*CM, 12 Mar, p17*)

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Ernest Henry

MIM Holdings Ltd announced that the Koutha Aboriginal Corporation and the Gulf Transport Company had jointly won the \$15 million contract to haul ore concentrate from MIM's Ernest Henry copper gold mine near Cloncurry to Mt Isa. ATSIC chairman Gatjil Djerrkurra hailed the development as a means to economic independence and something for all indigenous communities to emulate. (*ATSIC Press release 13 Mar*) and (*CM, 13 Mar, p2*)*

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Century Zinc Mine

A framework of an agreement in the Century Zinc negotiations is expected to be reached by the February 13 deadline. (*Aus, 3 Feb, p17*)

The Aboriginal claimants to the Century Zinc project will consider the draft agreement and depending on the meeting could formally sign off on the agreement tomorrow; CZL and the Qld government have stressed that unless an agreement is reached a \$60 million social and economic package offered to the claimants may be withdrawn. (*Aus, Feb 12, p 21 and 23*)

Aboriginal groups remained divided over the Century Zinc negotiations a day before the deadline for the agreement which would provide for a sale of the mine to Pasminco Ltd if settlement is reached (*SMH, 13 Feb, p12*)* and compensation, employment and other benefits to Aborigines. The talks collapsed with only four of twelve claimants signing before the midnight deadline. The Managing Director of Century Zinc said that whilst the number of claimants highlighted problems with the NTA, the company remained committed to negotiation (*Age, 15 Feb p5*)*. Alan Kohler saw the process as 'fixable' and rejected Mr Borbidge's view that the failure of the CRA deal means the process is unworkable (*SMH, 15 Feb, p86*). The editorial of the paper saw the outcome as disappointing but 'not the end' with the only threat to the mine proceeding coming from politicians wishing to 'pursue their own agendas' (*SMH, 15 Feb, p38*).

Pasminco remain hopeful that the reaching of agreement this year will allow the project to go ahead (*Ad, 17 Feb, p30*)* which it says would avoid a temporary closure of a Netherlands smelter. (*DT, 17 Feb, p50*). The managing director of CRA said that weaknesses in the native title process have been exposed by the delays and a six month limit on claims should be made. (*SMH, 19 Feb, p35*)*. ATSIC leaders and Aboriginal groups met in Mt Isa to revive the agreement, the meeting closing short of six signatures and Chairman of ATSIC's Mt Isa's Regional Council calling for changes to the NTA requiring more stringent proof of claimant credentials (*CM, 19 Feb, p2*).

The National Native Title Tribunal announced plans for a preliminary conference in the next two to three weeks to determine whether the mine can go ahead (*Aus, 18 Feb, p21*) whilst ATSIC decided not to fund legal action by Aboriginal groups to further delay the project (*Age, 20 Feb, p9*). The Carpentaria Land Council received advice that money was available during negotiations but not if action was initiated against Pasminco (*Age, 20 Feb, p9*). Claimants in support of the project following a meeting in Doomadgee called on the Prime Minister to amend the NTA to allow for the project to go ahead with a majority of claimants' support (*W Aus, 22 Feb, p8*). Waanyi and Mingginda people told the Prime Minister that a 'clear majority' of Aborigines in the area favoured the mine project calling for NTA amendments relating to claimant status (*Press release, 25 Feb*), (*Fin R, Feb 26, p10*).

The ATSIC board may demand six native title claimants who have refused to sign the CZL agreement to sign the agreement. Elder of the Waanyi people, Ms Jane Karkadoo, said Government intervention was the only hope for the stalled mining development. (*Age, 28 Feb, pA9*) ATSIC will bring 12 claimants together in Brisbane after the ATSIC board held talks with the groups separately. (*WAus, 1 Mar, p2*) Hopes for a negotiated settlement faded after one of the claimants who had originally approved the development changed his mind. (*Age, 1 Mar, pA3*) Gulf Aboriginal communities could lose almost \$90 million as a result of the failure to reach agreement; although the matter is being arbitrated by the National Native Title Tribunal, two previous arbitration cases in WA failed to award compensation to native title claimants. Based on the unimproved capital value of the Century mine, native title claimants could receive as little as \$37,690. (*CM, 5 Mar, p1 and 2*) A National Native Title Tribunal panel will begin arbitrating the Century Zinc claims on March 20 with a deadline of August 21. The panel comprises former Supreme Court Justice Mr Paul Seaman QC, former South Australian Attorney General Mr Chris Sumner and ANU Research Fellow Ms Diane Smith. (*W Aus, 8 Mar, p59*)

The possibility of an agreement, which stalled recently with opposition from six claimants, has been revived with a four day meeting process to reconsider the compensation package. The mining company has stated it is open to reconsideration. (*Aus, 19 Mar, p4*)

NNTT hearings were adjourned following uncertainty surrounding ATSIC funding for legal representation for claimants. (*CT, 21 Mar, p3*)

Queensland Government rejected a call from ATSIC Commissioner Mr Sugar Ray Robinson, to resurrect a \$30 million compensation offer to Aborigines saying that the matter was now in arbitration. Mr Robinson believes that all claimants will now sign the agreement. (*WAus, 29 Mar, p3*)

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South Australia

A Parliamentary Select Committee has recommended part of the Yumbarra Conservation Park be re-proclaimed for mineral exploration (*Ad, 21 Mar, p6*). The decision, to extend areas in the park available for exploration, has been opposed by conservationists and the Australian Democrats. The Committee said the proposal had the support of several

Aboriginal groups.

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Gawler Craton

Perth based gold explorer Desertstone have been forced to suspend drilling at the Gawler Craton while it negotiates with Aboriginal groups over site access . (WA, 5 Mar, p45)

Resolute Resources and Dominion Gold have signed an agreement with the Maralinga Tjarutja people to begin exploration on the western portion of the Gawler Craton. The agreement gives the traditional Aboriginal owners a 10 per cent free-carried interest in the joint venture. Their 10 per cent share of development costs would be paid from gold production if a decision to mine was made. (WA, 10 Mar, p32)*

A large geological structure called the Musgrave Block in the north-west of South Australia has become the new focus for Australian exploration companies. Any upsurge in exploration will depend on agreement with Pitjantjatjara Council which controls access since title was given to them in 1981. There are hopes that negotiations will result in new regulations to accelerate access negotiations. Current procedures allow only one applicant at a time to negotiate with the Pitjantjatjara Council. (Ad, 11 Mar, p19)

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NSW

Eastern Gas Pipeline

The treasurer, approving the project, said construction plans could be delayed by land claims. (Illawarra Mercury, 20 Feb, p4)*

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GENERAL NATIVE TITLE ISSUES

National

The Dunghutti agreement, the first successful native title claim on the mainland, is expected to be endorsed by the Federal Court in the next few weeks. Although the agreement is not a binding legal precedent, lawyers believe it is likely to become a guide for Aborigines on the monetary value of the compensation they can expect for native title rights of a similar nature; in the Dunghutti case the amount was 150 per cent of the freehold value of the land. (Fin R, 3 Feb, p1 and 8)

At a conference on racism Senator Herron said the government was in 'a listening mode' on the idea of a national treaty and the significance of a document of reconciliation. He played down the option of extinguishment as legal advice suggested that legislative extinguishment would require large compensation payments (Ad, 22 Feb, p13). The idea of a treaty was

endorsed by the chairman of the Council for Aboriginal Reconciliation, Pat Dodson and NNTT member, Fred Chaney, who suggested that we should follow New Zealand, the US and Canada and recognise the notion of 'first nation'. (*WAus*, 22 Feb, p8) Academic and historian Henry Reynolds said Aborigines could push for a separate state if an agreement was not negotiated. (*CT*, 23 Feb, p1)

Peter Jull, who has worked for Canadian governments and Inuit people, discusses the process of Regional Agreements in Canada and how Australia may learn from the Canadian experience. (*CM*, Feb 28, p13)

Professor Geoffrey Blainey, giving the inaugural Sir Arthur Fadden Memorial speech, attacked the High Court as acting irresponsibly in the Mabo case; Queensland Premier, Rob Borbidge, who with Tim Fischer, has come under attack for similar criticisms of the High Court, welcomed the speech as a breath of fresh air. (*Sun Herald*, 2 Mar, p2)

Ecologist and Research Co-ordinator for the Australian Conservation Foundation, Mark Horstman, believes that the freeholding of pastoral leases would not only extinguish native title and jeopardise reconciliation, but would also seriously threaten the environments of nearly half the continent. (*Age*, 7 Mar, pA17)

Alan Moran, from the Institute of Public Affairs, believes that the High Court introduced inflexibility into the Australian economy by creating a class of property that cannot be sold to the party valuing it most highly. 'Instead the court has raised the costs of doing business by introducing a new form of tax on real estate - the native title- which is especially noxious because determining its rate requires considerable negotiation.' (*Fin R*, 7 Mar, p3)

The National Farmers Federation has said the statement by the Deputy Chairman of ATSIC, Sugar Ray Robinson, that up to 90% of registered claims were ambit was welcome. Mr Robinson has suggested legislation to remove the ambit claims from the National Native Title Tribunal and Federal Court would improve the process. The NFF support the suggestions which would impose a harder test of proof by claimants. (*NFF Press release*, 18 Mar)

A Federal Court decision, *WMC v Lane*, may require the National Native Title Tribunal to notify individual tenement holders when a claim is lodged, rather than advertising in the press, if the cost has been great. (*WA* 24 Mar, p20)

In an eight page letter to Mr Borbidge former Governor-General and chief negotiator for the State of Queensland in the Century Zinc negotiations, Mr Bill Hayden, has criticised the High Court over the Wik decision and branded native title legislation as complex, confusing and leaving the way open for extortion by Aboriginal claimants. (*Age*, 27 Mar, pA1 and A2)*

The Chairman of the Council for Aboriginal Reconciliation, Mr Pat Dodson, said allowing native title to continue on pastoral leases was crucial to the reconciliation process and Aborigines would use more sophisticated methods and international lobbying to get land and human rights if the reconciliation process falters over the Federal Government's handling of the Wik decision. (*SMH*, 26 Mar, p5)*

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Northern Territory

Lands Minister, Mr Mike Reed, said the Federal Government could use the Northern Territory Land Rights Act which gave Aborigines access provisions to pastoral properties as a model for any changes to native title legislation. (*NTN, 11 Feb, p2*)

The Chief Minister of the Northern Territory, Shane Stone, referred to the Northern Land Council's chairman, Galarrwuy Yunupingu as 'just another whingeing black' after he suggested his council would alert European countries to the plight of Australia's indigenous people (*SMH, 15 Feb, p2*). Opposition Aboriginal Affairs spokesman, John Ah Kit, called for an apology by the Chief Minister saying his remarks offended other Aboriginal Territorians and damaged Territorian race relations. (*NTN, 19 Feb, p6*)

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Queensland

The Queensland Government has resumed an 850 km corridor for a gas pipeline which will traverse pastoral land between South West Queensland and Mt Isa over which there are native title rights (*CM, 6 Feb Jan, p 4*)

Mr Borbidge said native title claims now covered 28.5% of Queensland including whole towns; Mt Isa, Cloncurry, Toompine, Noccundra, Duchess, Betoota, Thargomindah, Cunnamulla, Blackall, Tambo, Augathella, Charleville and Quilpie were among the towns and cities affected. (*CM, 10 Feb, p6*)*

The government has stopped processing land and mining tenure applications in response to the Wik decision and halted construction of roadworks and quarrying permits (*CM, 22 Feb, p4*). Native title claims have been made over nearly 20 % of the state.

Noel Pearson attacked the fear and loathing campaign of the Queensland Government: 'No other state in Australia is being subjected to such a concerted and calculated bureaucratic campaign to use native title as part of a political strategy.' (*CM, Mar 1, p26*)

Assistance with land issues and claims will be available from a new organisation, the Giringun Elders and Reference Group Aboriginal Corporation. The centre is located in Cardwell and funded by ATSIC and the Central Queensland Aboriginal Land Council with a staff of eight (*Townsville Bull, 18 Mar, p5*).

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Cape York

The National President of the Cattlemen's Union of Australia, Mr John Purcell, reaffirmed the CUA's commitment to the Cape York Peninsula Heads of Agreement despite criticism of the agreement from the United

Graziers' Association who claimed there was no certainty for producers in such an agreement. (*Toowoomba Chronicle*, 7 Feb, p5)

A second agreement relating to tourism is under negotiation between the Cape York Peninsula Development Association, the Far North Queensland Tour Operators Association, Cook Shire Council, the Cape York Land Council, the Aboriginal and Torres Strait Islander Commission and the Balkanu (Cape York) Development Corporation. Government support has not yet been received. (*CM*, Feb 26, p6)

The Cape York Tourism Heads of Agreement is in doubt after withdrawal of tourism industry representatives; key issues still to be resolved were access to sites, the cost of access and what sort of tenure operators would have. (*CM*, 15 Mar, p8)

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Western Australia

The WA government has proposed to resume native title within existing townsites where they are delaying development. In return for compulsory acquisition the Supreme Court would set the amount of compensation to be paid. (*WA*, 10 Feb, p10)

The Ngarinyin people, through the Kamali Council, explain what the Wik decision means to them. Their country includes 12 pastoral leases which are now used for other purposes especially tourism, they are excluded from tourism operations which take visitors to sacred sites including the Wandjina paintings. They hope that through Native Title they will be able to gain control of their culture and negotiate access and movement around pastoral leases. (*SMH*, 4 Mar, p15)

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Victoria

Point Lillias

A protest by Aboriginal people continued a three year campaign against a chemical plant. The Wathaurong people claim heritage protection is inadequate for cultural sites in the area. Mr Kennett criticised the group for considering a claim three years after the announcement of the decision to move the complex but suggested Federal Government indecision was more likely to prevent the move. (*Aus*, 20 Feb, p4) The group said the claim, which had the support of other Geelong residents, had not been made earlier because an earlier heritage agreement had been drafted without knowledge that the relocation could be opposed. (*Age*, 20 Feb, p3)*

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NSW

Lake Macquarie City Council have decided to upgrade and manage the Blacksmiths Caravan Park themselves rather than lease the Crown Land

to a private operator; this followed advice that private leasing was no longer an option due to 'Native Title provisions'. (*Newcastle Herald*, 4 Feb, p5)

Annual conference representatives of Western Shires voted for state legislation to extinguish native title on Western Lands Leases granted in perpetuity. The group argues that special concession is required because, unlike other pastoral leases, the Western Lands Leases have no renewal date and were evolved to accommodate the hardships of the area. They can be bought and sold like freehold land. (*The Land*, 20 Mar, p12)

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WIK DECISION

The National Farmers Federation held talks with Prime Minister John Howard to urge him to consider a proposal to extinguish native title on pastoral leases; the NFF also called for confirmation that native title was extinguished on freehold, residential, commercial and agricultural leases; as well the NFF proposed that cities, towns and public land and water resources be quarantined from the Native Title Act. The NFF proposal also includes provisions to ensure that extinguished native title rights were not revived, that the legislation be retrospective and that pastoralists received equal financial assistance as Aboriginal claimants. (*CT*, 1 Feb, p3)*

The Australian Bankers Association is putting together a position paper on the Wik decision which will be used as a guideline by banks dealing with native title issues; but at this stage the ABA will not make any public comment on the issue. (*W Aus*, 1 Feb, p54)

Premier of WA, Mr Richard Court, said State and Territory governments wanted power to resume land subject to native title claims to allow cities and towns to grow and just compensation paid if land was resumed where native title existed; he cited Kalgoorlie, Port Hedland and Broome as examples of towns that had run out of land for expansion of industry and housing. (*WA*, 3 Feb, p6)

ATSIC chairman, Gatjil Djerrkura, told PM John Howard that Indigenous people would not countenance extinguishment of native title rights or amendments to the Racial Discrimination Act. The Minister for Primary Industries, Mr Anderson, refused to back calls from the National Farmers Federation and Coalition premiers to extinguish native title on pastoral leases. (*Aus*, 5 Feb, p4)*

A discussion paper on responses to the Wik decision developed by the states after their January 22 meeting with the Prime Minister was released; it proposes: no native title claims could be lodged after January 1, 2000; law extinguishing native title to be rushed through Federal parliament; native title rights on pastoral leases to be replaced with limited statutory access rights; Aboriginal 'right to negotiate' over future development to be wound back. (*Fin R*, 6 Feb, p 1 and 8)

The Prime Minister, Mr Howard, has told ATSIC that a clear legal definition of native title is the key to resolution over the Wik decision and

that he was sympathetic to a sunset clause for any necessary legislation. He reiterated his belief that all stakeholders must be prepared to make significant concessions. (*Aus, 6 Feb, p3*) The Minister for Resources, Senator Parer, told the ABARE Outlook conference that the Government was inclined to include responses to the Wik decision with the amendments to the Native Title Act already introduced to the Parliament. (*CM 6 Feb, p6*)*

The Federal President of the National Party, Don McDonald, said the National Party will demand security and certainty of title for all landholders and land users as the minimum outcome from the debate on native title. (*Press Release 7 Feb*) The National Farmers Federation welcomed the statement as support for its stance on extinguishing native title on pastoral leases. (*Press Release, 7 Feb*) 14 Aboriginal representatives met with Mr Howard and stated that any negotiations start from the principle that native title not be impaired or extinguished. (*Fin R, 7 Feb, p3*)* Indigenous leaders outlined seven principles to Mr Howard, including opposition to any amendment to the Racial Discrimination Act and a non-discriminatory policy for dealing with property rights. (*Age, 7 Feb, pA3*)* Afterwards the Prime Minister announced a round table discussion of all groups affected by the Wik decision would be convened within a month.

Deputy Prime Minister, Tim Fischer, supported legislation to restore the intention of the 1993 Native Title Act that pastoral leases extinguish native title. He stressed the significance of a joint proposal from the Northern Territory and non-ALP States for the replacement of native title common law rights with a statutory definition of native title. (*W Aus, 8 Feb, p1 and 10*)*

The National Party called for a tax to finance compensation for extinguishment of native title on pastoral leases and boost the \$1.1 billion Aboriginal Land Fund. The call was endorsed by National Party leader Tim Fischer but rejected by Mr Howard who said the National Party's position was not Coalition policy. (*Age, 8 Feb, pA7*)*

Senator Nick Minchin told a conference on the Wik judgment that amending the Racial Discrimination Act was one option that could be considered; in response Noel Pearson said Aborigines were alarmed and concerned that the Coalition would consider any changes to the Act. (*CT, 8 Feb, p1*)* At the same conference Native Title Tribunal President, Justice French, warned that global extinguishment of native title would expose Australia to claims of racial discrimination, regardless of compensation offers: 'the prohibition against racial discrimination is close to a norm of customary international law'. (*CM, 8 Feb*)

Appearing on the Nine Network's Sunday program Mr Howard moved to play down divisions within the Coalition on the Wik question. He refused to rule out higher taxes for compensation despite previously rejecting the idea. He set a four week deadline to resolve the Wik question. (*Age, 10 Feb, pA2*)* The President of the National Party, Mr Don McDonald, and Premier Borbidge reinforced their hard-line stance for extinguishment of native title on pastoral leases. (*Fin R, 10 Feb, p5*) Primary Industries Minister and deputy National Party leader, John Anderson, backed a call by the states for a time limit of 2000 to be put on native title claims but he refused to endorse the party's stance on extinguishment of native title. (*CM, 10 Feb, p6*) *

The editor of the Courier Mail was heartened by the Prime Minister's willingness to participate in round table negotiations and critical of the National Party's stance. 'Significant political and legal issues are not going to be settled rapidly despite calls for certainty. Certainty will not flow from attempting to destroy the native title rights which now exist alongside rights of pastoralists.' (*CM, 10 Feb, p8*) The editor of the Australian warned that any government 'should consider very carefully the implications of removing any common law rights affecting a specific class of citizen.' (*Aus, 10 Feb, p10*)

Aboriginal legal advisers will meet with Federal Government's legal advisers to discuss the Wik decision and resolve differences in their interpretation of the High Court judgment. It was hoped a common framework could be established before a summit of all parties. (*SMH, 10 Feb, p7*) Aboriginal negotiators will attempt to convince the Federal Government that any plan to wind back the Racial Discrimination Act would be found unconstitutional by the High Court, but their strategy of convincing the Senate to block such proposals was made more difficult when Senator Mal Colston made it clear he sympathised with the pastoralists. (*Fin R, 11 Feb, p5*)* Despite concerns that there had not been enough time for consultation of all representative bodies and land councils, ATSIC Native Title Commissioner Geoff Clarke announced that there would be a telephone hook-up to discuss negotiation procedures and the scheduled meeting with government would proceed. (*CM, 11 Feb, p2*)*

An alliance of environmental groups issued a warning that if pastoral leases were to become freehold, extensive environmental damage to Australia's rangelands would result. (*Press release 13 Feb*)

NSW Farmers senior vice president argued that compensation should be borne by the whole community (*The Land, 13 Feb p15*). The National Party president said the Government's response to Wik must establish the right of parliament to make laws and the High Court to interpret them. (*The Land, 13 Feb p3*). The National Farmers' Federation executive director said negotiations such as the Cape York Agreement cannot resolve issues of title (*CT, 13 Feb p8*).

In a speech to the Roundtable Meeting called by the Prime Minister, the Chairman of ATSIC highlighted the seven principles of position put forward by Indigenous leaders. They include non-discriminatory property rights policy, no extinguishment of or impairment of native title, no amendment to the RDA or its principles, respect for High Court native title decisions, no amendments to the NTA which erode existing indigenous rights or of the Indigenous Land Fund and agreement by the Government for a negotiating process for NTA amendments and the consequences of Wik. (*ATSIC press release no date*)

After meeting with the New Zealand Prime Minister Mr Howard said he may have difficulty meeting his planned Easter deadline for a Government response to Wik by Easter. (*Ad, 17 Feb, p12*)* The Social Justice Commissioner acknowledged Mr Howard's willingness to put existing amendments 'on hold' to allow for further talks. (*CM, 15 Feb, p10*)

Michael Mansell from the Tasmanian Aboriginal Centre has said an Aboriginal delegation may lobby internationally for a boycott of the

Olympics if the Wik decision is overridden (*Sunday Tasmanian*, 16 Feb, p2).

Pat Dodson, on *Meet the Press*, responded to comments that the High Court Wik decision 'ignored the Australian people'. (*Illawarra Mercury*, 17 Feb, p5)* The Queensland Premier has called for a change to the High Court composition. (*Sunday Mail*, 16 Feb, p85) The Queensland government is open to compensation payouts to leaseholders who may have been issued invalid leases in Qld since 1994. Crispin Hull argued against the Queensland Premier's criticisms of the High Court for 'making law' referring to earlier judgements on implied states' rights. (*CT*, 22 Feb, p15)

The president of the NFF told the annual conference of the Federation that city freehold titles could be at risk from native title claims following the Wik decision (*CT*, 18 Feb, p5) The Federation's Aboriginal task force chairman stated that the Wik judgment posed 'no immediate threat' although there was a long term need for certainty and for land titles to be clarified. (*CT*, 22 Feb, p2)

The *Courier Mail* traces the origins, significance and ramifications of the Wik case. (*CM*, 22 Feb, p24,25) In other articles Aden Ridgeway discusses the Aboriginal position (*CM*, 26 Feb, p17), Wendy Craik outlines the pastoralists' position and Mark Horstman provides a review of the importance of leases on the environmental aspects of land management. (*CM*, 27 Feb, p13)

The West Australian National Party leader, Hendy Cowan said debate on native title planned for a special federal council meeting may provoke criticism of the party's federal leadership. Mr Fischer said he had been 'expressing publicly the party view on Wik'. (*CM*, 27 Feb, p1)* National Party Ministers Peter McGauran and John Anderson faced criticism from within the party for their lack of support for Mr Fischer's approach. (*Aus*, Feb 24, p5)

Liberal and National Parties are about to agree that legislation dealing with the Wik decision will be through Parliament by June; serious consideration is being given to making some types of pastoral leases immune to native title claims. (*Ad*, 28 Feb, p6)* Senator O'Chee claimed that failure to extinguish native title over pastoral leases could lead to compensation claims from 170,000 leaseholders amounting to \$80 million. (*CM*, Feb 28, p2)

Aboriginal and legal experts predicted that Australia faced international condemnation and international protest that could disrupt the Sydney Olympics if moves were made to overturn the Wik decision. (*WAus*, Mar 1, p2)*

After a special council meeting the National Party called for extinguishment of native title over pastoral leases and voted to support Tim Fischer in his stance against the High Court. (*CT*, 2 Mar, p1)* PM John Howard doubted whether a solution to which all parties agreed could be reached (*WA*, 3 Mar, p11) and warned that some legislation would be required. (*CM*, 3 Mar, p7) George Lombard discusses the options available to the Government and the ramifications of these options. (*CT*, 3 Mar, p9)

A compromise plan being considered by the Federal Government taskforce on Wik includes the option of allowing farming activities as 'permissible future acts' under the Native Title Act, meaning native title holders would have no say over them. Another option involves specifically defining native title rights in the legislation. (*Fin R, 4 Mar, p1 and 8*)

The National Farmers Federation claimed that uncertainty following the Wik decision was preventing farmers from making long term plans for the sustainable development of their farms. (*Press release, 5 Mar*) Similar views were expressed by the Western division of the NSW Farmers Federation who believe that being restricted only to grazing would inhibit the development of alternative activities. (*Barrier Daily Truth- Broken Hill, 6 Mar, p5*) The National Party claimed that taxpayers could be faced with a bill of more than \$80 billion to compensate farmers for the effect of the Wik decision. (*Ad, 5 Mar, p13*)

PM John Howard will reveal his legislative plans on native title at a special meeting with state leaders on March 20. (*CM 8 Mar, p8*)

Former High Court judge Sir Harry Gibbs has signalled his support for federal legislation to overturn the Wik decision. (*Aus, 10 Mar,*)*

PM John Howard announced that he may grant farmers greater access to legal aid to fight native title claims. He believed farmers had a legitimate complaint about the inequality in legal aid compared to Aborigines. (*CT, 11 Mar, p 1 and 2*)* Aboriginal Social Justice Commissioner, Mr Mick Dodson, criticised the statement for misinforming the public because farmers are entitled to legal aid. (*Age, 12 Mar, pA10*) The editor of the Canberra Times supports the need for relaxing the assets test for pastoralists 'if only because so many of them seem to be in ignorance of their own legal relationship to the land.' (*CT, 12 Mar, p10*)

Father Frank Brennan had reservations about the judicial method of the High Court's Wik decision: 'The confusion between the law of extinguishment by crown grant and the fact of extinguishment by action of a lessee renders the decision so uncertain as to be unworkable without complimentary legislation.' (*Aus, 11 Mar, p2*)

MHR for Parkes, Mr Michael Cobb, said the Wik decision was 'crucifying western NSW' and that much of the city of Broken Hill could be the subject of claims because it is on leasehold land. He urged voters to press ALP and Democrat Senators to support Coalition moves to validate leasehold land against native title claims. (*Barrier Daily Truth-Broken Hill, 11 Mar*)

A brief freeze imposed by the Western Lands Commission of NSW on processing applications to alter Western Division pastoral leases has been lifted. However a small proportion of applications seeking to change use from grazing or lease transfers could not be finalised until the Wik issue was resolved. (*Land, 13 Mar, p8*)

At least three State governments (WA, Qld and NT) are likely to reject a compromise plan being developed for the Prime Minister Mr Howard. The plan involves defining by law the activities allowed on pastoral leases. These activities would become 'permissible future acts' but 'right to negotiate' provisions over developments such as mining and tourism would

not change. (*Fin R, 13 Mar, p5*) Senator Boswell said the National Party would not accept the codifying of activities on pastoral leases (*Fin R, 14 Mar, p9*) whilst the party's deputy leader John Anderson hardened his line saying the Government should ensure pastoral leases extinguish native title. (*CM, 15 Mar, p8*) Mr Borbidge supported the National Party stance saying that any compromise plan to define permissible activities rather than extinguishing native title would be unacceptable. (*Aus, 14 Mar, p6*) Mr Mick Dodson said the indigenous community would negotiate with the Government over the proposal but was not comfortable with the prospect of legislation. (*Age, 14 Mar, pA6*) The National Party says the option of codification is unacceptable and a 'legal minefield' saying the 1993 Native Title Act provides for 'extinguishment by the grant of leasehold'. (*Press release, 19 Mar*) The Queensland premier warned of a 'Pauline Hanson like backlash' and Coalition split if the Prime Minister did not satisfy voters. (*Aus, 19 Mar, p4*)* Coalition MPs said they would not modify their demand for extinguishment and rejected the alternative of codification. (*Fin R, 19 Mar, p3*) Queensland National Party Senator, Bill O'Chee has threatened to resign over the issue. (*CT, 20 Mar, p4*) One Editorial suggests Mr Howard favours codification with a sunset provision for claim lodgment. (*Aus, 21 Mar, p10*)

The National Farmers Federation offered to modify their stance against codification to resolve the Wik native title issue whilst still endorsing extinguishment. Aboriginal leaders say that codification of their rights is discriminatory. The Prime Minister has stated that he was 'trying to reach an outcome that would deliver justice and security of title to both farmers and Aborigines'. (*Ad, 21 Mar, p7*) The NFF president said codification of farmers' rights would be acceptable only if it offered exclusive occupancy rights for leaseholders through extinguishment of native title. (*Press release, 24 Mar*)

The Prime Minister said he would extend the Easter deadline if it assisted a breakthrough. He described Wik as the 'predominate domestic challenge'. Tracker Tilmouth of the Central Land Council and a member of the National Indigenous Peoples Working Group on Native Title, said codification was a possible solution (*CT, 22 Mar, p3*). Mr Howard suggested if Aboriginal people agreed to Native Title Act changes a non-extinguishment option was possible. (*CM, 22 Mar, p2*) The working group has indicated it will make concessions but not allow for extinguishment of native title on pastoral leases. (*Ad, 22 Mar, p12*) The editor of the West Australian believes government calls for extinguishment denies basic human rights, would affect the reconciliation process and should be rejected by the Prime Minister. (*WA, 22 Mar, p12*) National Party pressure on Mr Howard in favour of extinguishment over codification continues to increase (*CT, 22 Mar, p16*)* threatening a Coalition split. Senator O'Chee has prepared a discussion paper argues that procedural rights of favouring Aborigines are unfair to others. (*CM, 22 Mar, p2*)

The National Farmers Federation has launched a television advertising campaign to highlight legislative uncertainty they believe has been created by the Wik decision. (*Press release, 20 Mar*) The Federal Opposition and Democrats have labelled the NFF television ads as racist, with Labor calling on the Attorney General to withdraw them *SMH 21 Mar, p1*)* Church leaders and welfare groups have called for the removal of the NFF ads saying they are racist and misleading. (*CM, 25 Mar, p4*)* ATSIIC

Chairman Gatjil Djerrkura criticised the NFF advertisements as divisive and at odds with reconciliation. (*AAP, 26 Mar*) Similar views were expressed by the Deputy Chairman of the Council of Reconciliation, Mr Ian Viner. (*LE, 25 Mar, p12*) PM John Howard rejected calls to condemn the NFF advertisements. (*Aus, 27 Mar, p4*)* Former National Party leader Ian Sinclair criticised the NFF advertisements. (*DT, 27 Mar, p20*)* The editor of the Canberra Times described the advertisements as 'calculated to inflame racial disharmony'. (*CT, 27 Mar, p10*) Heather Brown believes the campaign has tagged the NFF as a voice from the distant past and states that 'for the first time in my life I have felt embarrassed to be a farmer.' (*CM, 29 Mar, p19*)

The Federal Government response to Wik, outlined to state premiers, included a sunset clause on claims, more limited right to negotiate and changes to tax provisions on primary production. (*Age, 24 Mar, p1*). The government's position is further outlined in an article by Laura Tingle. (*Age, 25 Mar, p11*)

The Federal Government has been accused of giving farmers an advantage in native title talks by keeping an options paper from Aboriginal negotiators which had earlier been given to the National Farmers Federation. (*WA, 26 Mar, p10*) Aboriginal leaders imposed a boycott on further native title talks involving the National Farmers Federation. (*Age, 26 Mar, pA5*)* Earlier Prime Minister John Howard met with Aboriginal representatives and made it clear that he was working on a legislative package which stopped short of outright extinguishment of native title on pastoral leases. (*CM, 26 Mar, p7*)*

Mr Rick Farley, a former Executive Director of the National Farmers Federation, believes that the farm sector risks dealing itself out of the native title debate in the same way as the mining industry did in 1993. The NFF in harness with the National Party are the only ones seeking extinguishment of native title on pastoral leases and is locking itself into a position before true political debate has begun. (*CM, 26 Mar, p15*)

Senator Bill O'Chee discusses the National Party position which relies on giving Aborigines freehold title over crown land in return for extinguishing native title claims on public land such as beaches, stock routes and no rights to 'minerals, air or water'. (*Fin R, 27 Mar, p19*)

The West Australian government is pushing the Federal Government to replace common law native title rights with a statute codifying Aboriginal access to land. (*WA, 27 Mar,)* Senator Ron Boswell revealed that opposition from farmers and the National Party has forced the Prime Minister to reconsider codification as a solution to the Wik decision. (*Aus, 31 Mar, p4*)

Noel Pearson writes that 'the pressing policy and legislative challenge is: if Aboriginal people agree that the existing right of leaseholders should be confirmed- what exactly are these "existing rights"...but not all of the questions about native title can be answered in the legislation...the problem is that those who are troubled by the "workability" of the legislation have chosen what they think is the most efficient path to certainty: extinguish native title so you don't have to deal with it.' (*CM, 29 Mar, p22*)

The Labor Party and the ACF accused farmers of making a 'land grab' by

pushing for native title to be extinguished on pastoral leases. Opposition spokesman on Aboriginal Affairs, Mr Daryl Melham, said that 'extinguishing native title would mean billions of dollars in compensation and effectively give pastoralists freehold title for the first time.' (*Aus*, 31 Mar, p6)*

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RECENT PUBLICATIONS

The Aboriginal Law Bulletin has a new title: ***Indigenous Law Bulletin*** and its April 1997 issue is a special Wik issue. The background to the Wik case is provided in two articles by Neva Collings and David Martin; Richard Bartlett provides legal analysis of the term 'extinguishment'; Garth Netheim discusses possible changes to the Native Title Act 1993 in the wake of Wik; the Ngarinyin people of the Kimberley give their response to the decision; Lois O'Donoghue's speech to the National Press Club which covers events of the past 7 years is reprinted and the position of the Indigenous negotiating parties as at February 6 1997 is also reprinted.

Butterworths have published: ***The Wik case: issues and implications*** edited by Graham Hiley. It contains the text of the judgement with commentary from various perspectives. The commentary considers the impact of the judgment on the various stakeholders and seeks to analyse the implications for each, and for Australian land law.

The Centre for Aboriginal Economic Policy Research at ANU has published the papers presented at a conference in September 1996. ***Fighting over country: Anthropological perspectives*** is edited by D.E. Smith and J. Finlayson and costs \$20. Available from CAEPR. Phone Faye Liu on (06)279 8211 or fax (06) 249 2789.

A new journal ***Northern Analyst*** is published by the North Australia Research Unit in Darwin. It replaces ***NARU news*** and will now be available on the Internet at: <http://online.anu.edu.au/naru/Welcome.htm>. Issue No. 2 of Northern Analyst contains three papers relevant to Native Title researchers especially those interested in Regional Agreements. Marcia Langton writes on *Estate of mind: The growing cooperation between Indigenous and mainstream managers of North Australia Landscapes and the challenge for educators and researchers*; Richie Howitt on *Getting the scale right: the geopolitics of Regional Agreements* and Greg Crough on *Native title and Regional Agreements*. For those without access to the Internet hard copies of the journal are available from NARU. Ph: (08) 8922 0066 or Fax: (08) 8922 0055.

The NTRU at AIATSIS has published two papers in our issues papers series: No.15: ***Neither rights nor workability: the proposed amendments to the right to negotiate***, by Liz Keith and No. 16: ***Racial non-discrimination standards and proposed amendments to the Native Title Act***, by Jennifer Clarke. No 15 is now available on this web site (<http://www.aiatsis.gov.au/ntpapers/ntip15.htm>). No.16 will soon be on-line.

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The Institute has established a Register of people interested in entering into contracts to write issues papers for publication and undertake other research related to Native Title on a consultancy basis.

If you are interested in being included on the Native Title Temporary Register, send your expression of interest addressing the criteria listed below, with an accompanying c.v. to:

The Director of Research

Australian Institute of Aboriginal and Torres Strait Islander Studies
GPO Box 553
CANBERRA ACT 2601

Your documentation should not exceed 4 pages.

Selection Criteria for Research and Native Title Contracts

1. Demonstrated experience in Native Title. This should include field research or other relevant experience.
2. Close working experience with Aboriginal or Torres Strait Islander organisations, or with a Native Title Representative Body.
3. Highly developed analytical and policy skills.
4. Demonstrated ability to work within a set time-frame and to develop recommendations, write reports, and prepare material for publication.

The Institute is an Equal Opportunity Employer.

For further information contact Coral Dow (06) 246 1158 or Anne Pyle (06) 246 1158.

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