

Statements by Bill Hayden to the Carpentaria Land Council that he believed the Century Zinc mine would be environmentally safe, led to heckling on his recent trip to the Gulf (*Bulletin*, 8 October, p15).

The Queensland Premier, Rob Borbidge, said that he was happy with progress and was confident that Bill Hayden would reach a resolution with the other stakeholders by January. He said that it was the first time the right to negotiate provisions of the NTA have been exercised in Australia, so it was somewhat of a pioneering task (*CT*, 8 November, p13).

The parties engaged in the right to negotiate process under the NTA - RTZ'-CRA's Century Zinc Ltd, the Queensland Government and the 5 local Aboriginal groups affected by the mine were expected to lead submissions placed before mediators in early December (*Aus*, 25 November, p29).*

The Queensland Government on 25 November approved a \$30 million infrastructure package as an incentive in addition to the \$60 million package promised to Gulf communities by Century Zinc to get the development of the mine back on track (*FinR*, 26 November, p12).*

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SA

A report in *The Advertiser* states that the SA mining scene is marked by doubt and confusion, with some \$5m of exploration spending deferred and one overseas firm believed to have abandoned its program in the State. Although 5 Aboriginal groups have lodged claims over a northern exploration licence near Lake Froma and overlapping claims have been received from groups in Ceduna, Cooper Pedy and Port Augusta, company executives said that in most cases there had been constructive negotiations with Aboriginal groups over access to exploration areas (*Ad*, 9 November, p37).

A special report by Andy Williams, announcing the discovery of a major gold province in the Gawler Craton area in the north-west of South Australia casts a different light on the situation, stating that exploration for gold, copper, and petroleum is at record levels in SA. Most exploration in SA for minerals, oil and gas is on pastoral leases, and mining companies are waiting for the High Court decision on Wik on whether pastoral leasehold extinguishes native title, to gauge the extent to which they will need to negotiate with Aboriginal groups (*Sunday Mail*, 17 November, p40).

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GENERAL NATIVE TITLE ISSUES

National

Yothu Yindi band leader, Manduwuy Yunupingu, praised the Aboriginal Land Rights (NT) Act 1976 as having enriched the lives of Aboriginal Territorians, opening up a brighter future involving an independent economy, and alternative ways to maintain culture and traditions. He suggested that the legislation should be used as a model in determining the final shape of the Native Title Act (*NTN, 1 October, p16*).

Galarwuy Yunupingu, Chairman of the northern Land Council, said that continued attacks on Aboriginal native title rights and social justice are like a spear in the heart to Aboriginal self determination. He said that loss of land rights would leave Aboriginal people as powerless as scavenger birds in Australian cities (*NTN, 1 October, p2*).

In a submission to the Stolen Generation Inquiry, solicitors Corrs Chambers Westgarth warned that Aborigines forcibly removed from their parents would find it difficult to make a successful native title claim. The submission said that Aborigines might be able to bring action against the Commonwealth if it could be proved that the Government gained unfettered title to land by removing the traditional indigenous owners (*Age, 29 October, p A4*)

The National Farmers' Federation appointed a new Director responsible for policies relating to natural resource management and native title. Mr Rob Thorman, formerly of the Australian Local Government Association, has experience in consultations on native title in local government bodies, and with Aboriginal communities on land management issues in North Queensland, the Willandra lakes region, Central Australia and Arnhem land (*Press Release, 3 October*).

Justice French in the National Native Title Tribunal's 1995-6 annual report discussed the need to take into account existing treaty arrangements with Papua New Guinea in the consideration of native title claims in the Torres Strait (*Fin R, 6 November, p20*).

North Queensland Aboriginal representatives made an 11th hour bid to meet President Bill Clinton after being excluded from his schedule. Amendments to the NTA, and a plea to keep US multinationals out of environmentally sensitive areas across the globe, were among the issues they wished to raise with the President (*Mer, 18 November, p4*).

Carpentaria Land Council co-ordinator Murandoo Yanner is looking forward to the Sydney 2000 Olympics to highlight the Aboriginal land rights movement on the international stage (*Toowoomba Chronicle, 20 November, p3*).

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NSW

Boobera Lagoon

Senator Herron declined to place an emergency protection order on the lagoon, believed by the Gamileroi people to be a significant resting place of Gurriya, the Rainbow Serpent, to prevent desecration of the site through waterskiing. The Minister is not expected to make a decision on

the site before early next year (*CM, 7 October, p4*).

ATSIC's NSW State Manager issued a 48 hour protection order against waterskiing at the request of the NSW Aboriginal Land Council. The order was given under a clause of the Heritage Protection Act which provides for a declaration to be made 'in lieu of the minister's decision' (*SMH, 14 October, p3*).

The Federal Court ordered Senator Herron to make known his reasons for refusing to ban water sports on Boobera Lagoon. Justice Foster, responding to the NSW Aboriginal Land Council's request for an injunction to overturn Senator Herron's decision, said that he did not have jurisdiction to overturn the decision, but was able to order the Minister to make known his reasons (*DT, 18 October, p21*).

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National Parks

Five NSW National Parks - Mungo, Mount Grenville, Mootwingee, Mount Yarrowyck and Jervis Bay - will be handed back to their traditional Aboriginal owners under new legislation aimed at significantly advancing Aboriginal reconciliation in the State. Under the laws, which will ensure that they remain open to the public, the parks will be leased back to the Government and controlled by joint boards of management by a majority of traditional owners (*SMH, 20 november, p10*).*

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Wamboyn

Eden Local Aboriginal Land Council has indicated it may be forced to file a native title claim to an area around Wamboyn and Nelson's Beach if the National Parks and Wildlife Service go ahead with a plan to close a road and create a wilderness area. The road closure will prevent Aboriginal people having access to sacred sites in the area, and from operating an eco-tourism which they have proposed to run in conjunction with the local authority and residents (*DT, 21 October, p9*).

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QLD

Brisbane City Council

Brisbane City Council has moved to mediate with the Quandamooka Land Council in its native title claim on behalf of the Koenpul, Nguri and Nunukul peoples over several Moreton Bay beaches. The BCC has agreed to set up a working group with the QLC to address joint interests and to officially acknowledge the council's traditional attachment to Moreton Island (*CM, 19 November, p6*).

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Draft Cape York Peninsula Land Use Strategy

The United Graziers Association launched another assault on the Cape York Heads of Agreement in late October with an attack on the Cape York Regional Advisory Group. The chairman of CYRAG, Jim Petrich, defended the representativeness and bi-partisan nature of the organisation (*North Queensland Register - Townsville, 31 October*).

The draft Cape York Peninsula Land Use Strategy report was launched for public consultation by the Hon Di McCauley, Queensland Minister of Local Government and planning and Mr Warren Entsch, Federal Member for Leichardt, on behalf of the Federal Minister for the Environment, Senator Robert Hill. The report describes a vision of Cape York in the year 2000 and conservation, economic, cultural lifestyle and infrastructure strategies of achieve it (*Media Release, 7 November*).

The new draft strategy endorsed the historic Cape York Land Use Agreement by also backing negotiated agreements as the best method of land management. Mr Borbidge, who rejected the CYLUA earlier this year on legal advice that the State should not support a move that gave native title provisions to pastoral land while Queensland was fighting such a step in the high Court Wik case, will visit the region to talk to people and await the outcome of the Wik case (*CM, 27 November, p3*).

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Indigenous Land Corporation

The ILC has received proposals to buy land in the MT Isa, Cairns, Townsville, Rockhampton, Roma and Brisbane regions over the next 6 years. Parcels of land identified by the ILC for possible purchase represent 2.44% of the State's total area (*Sunday Mail, 13 October, p57*).

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Carpentaria Land Council

Accountants investigating expenditure by the Carpentaria Land Council claimed that Murandoo Yanner had not reported to the governing committee on a regular basis regarding travel, air charter and accommodation costs. Mr Yanner replied that administrative problems were inevitable in the organisation which had grown from 1 person to 23 employees in 3 offices over a 12 month period (*CM, 3 October, p6*).

The Registrar of Aboriginal Corporations has given the Carpentaria Land Council 10 days to show why it should not be placed in the hands of an administrator (*CM, 9 November, p6*).

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WA

The propriety of consultancy payments by Goldfields Land Council has been questioned by some native title claimants and is under investigation by ATSIIC (*WA, 2 October, p30*).

Goldfields miners, explorers and native title parties will discuss a regional agreement to simplify the issuing of mining tenements in the Goldfields. The broad regional agreement, if endorsed by all parties, would supersede the Murrin Murrin Foundation previously planned by Anaconda Nickel (*WA, 2 November, p30*).

The mining industry has reportedly shelved a proposal for a regional agreement to deal with overlapping native title claims in the Goldfields because of dispute. The agreement was to have been discussed at a NNTT conference but talks have been postponed (*WA, 12 November, p7*).

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State Government Negotiations outside the NTA

Premier Richard Court announced that his Government was "very close" to transferring over 25 million hectares of land, including the township of Warburton, to the Ngaanyatjarra community, in negotiations outside the "unworkable" Federal NTA. Mr Court said under the agreement communities would gain a mixture of freehold and perpetual leasehold land, plus some mining royalty rights, and that similar negotiations were underway with other communities (*CT, 17 November, p1*).*

Premier Court's native title adviser, John Clarke, moved quickly to hose down the story, stating that a deal is years away and that it is premature to say that the land will be handed over. It is believed that the Government is negotiating with the Oombulgurri and Burringurrah Aboriginal communities to obtain agreements outside the Native Title Act (*WA, 19 November, p27*).

The Ngaanyatjarra Council's legal adviser, Daniel O'Dea, called on the WA Government to clear up confusion which had resulted from media reports that the handover of the land was imminent (*WA, 21 November, p45*).

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State Government Appeals Against NNTT Decisions

Federal Court Justice Malcolm Lee has rejected two of the WA Government's appeals against NNTT decisions over attempts by the State to fast-track mining and petroleum exploration licences. The decisions follow NNTT criticism of the WA Government's blanket approach of referring all applications for exploration licences through an expedited

procedure where they do not have to negotiate with native title claimants (WA, 19 November, p10).

Australian National University law lecturer Jennifer Clarke said that the WA Government is taking on legal challenges regardless of their merit and likelihood of succeeding, and that it could not claim that the Act was unworkable when it was not trying to follow procedures. Premier Court has refused to reveal the cost of his Government's native title challenges (WA, 20 November, p10).

Premier Court told a mining industry lunch that a failure by the Senate to pass the whole package of amendments to the native title legislation would lead Western Australia to demand legislation to extinguish native title on pastoral leases (Aus, 21 November, p4).

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NT

Northern Territory Railway

The South Australia and NT Governments have formed a statutory body, the AustralAsia Railway Corporation, to make make the running on proposals to finance and build the \$1 billion Alice Springs to Darwin rail line. The NT Government is negotiating with Aboriginal groups for 20% of the proposed line and expects to own 80% of the land required by Christmas (*Fin R*, 14 November, p15).

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RECENT PUBLICATIONS

Due to the volume of material on native title over October - November and staff shortages in the Native Title Research Unit, this month's segment is again small.

Horstman, Mark. "Black Shadows, White Shadows, Grey Shadows: Does the Cape York Regional Agreement provide a model for the Reconciliation Process?" *Arena Magazine*, Vol 22, 1996: 26-31. Horstman, who was centrally involved in the Agreement, traces the process of brokering the CYRA, from its beginnings in August 1994 when 80 people met in Coen in response to the Wik people's launching of native title claims over 28,000 sq kms of land along the Gulf of Carpentaria encompassing 10 pastoral leases - to its conclusion on 5 February 1996 when the Agreement was signed. Local people were tired of confrontation and ready to pursue practical solutions. As a result, the Cape York Land Council appeals to consider the possibility of co-existence of native title with pastoral leases, and to resolve issues through mediation and negotiation were productive. The resolution agreed at that meeting:

'.. that pastoral lease holders are entitled to enjoy their rights, industry and lifestyle; that Aboriginal people are entitled to enjoy their rights, industry and culture; that all pastoral leases should be secure against native title claim, provided: - that