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Australian Institute of Aboriginal and Torres Strait Islander Studies

Native Title Research Unit

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NATIVE TITLE NEWSLETTER

No. 1/97

March 1997

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NATIVE TITLE NEWS OF DECEMBER 96 - JANUARY 97

1. Wik decision

See also the [full article on Wik](#) further below

December 1996 and January 1997 has been dominated by issues arising from the High Court's judgment on the Wik case. A national summit bringing together Native Title Representative Bodies, Pastoral and Mining Industry Organisations and Community leaders was held in Cairns 21-25 January 1996. The summit, hosted by the Cape York Land Council and ATSIC, discussed the implications of the Wik decision and briefed political leaders and the media. A set of five principles were released at the summit:

- No extinguishing native title.
- No amendment of the Racial Discrimination Act.
- Respect for the High Court's native title decisions.
- Resolution through negotiation and agreements.
- Further negotiations over the Native Title Act amendments.

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2. Plain English guide to the Wik case

The Native Title and Land Rights Branch of ATSIC has released a plain English guide to the Wik case. Copies can be obtained by phoning Di Dyer of the Native Title and Land Rights Branch on (06) 289 3348 or faxing (06) 285 2064. It is also available on the ATSIC web site at <http://www.atsic.gov.au/native/wik.htm>.

3. Regional Agreements

Indigenous Australia is increasingly looking to Regional Agreements, either under Section 21 (4) of the Native Title Act or outside the Native Title Act, as one means of realising their rights in land. Other interest groups including government bodies and industry groups are also showing growing awareness of the benefits of negotiated agreements. This interest has been heightened through the native title discussions convened by the Council for Aboriginal Reconciliation in 1996 and the High Court Wik judgment.

Several agreements have been made between various groups, including native title claimants, native title representative bodies, and industry groups - the Mt Todd Agreement in the NT, various agreements between the Rubibi Working Group and government bodies in the Broome region, and the Cape York Heads of Agreement in Queensland (CYHA). Of these, the CYHA has probably involved the most thorough processes of gathering information on the environmental resources, projected viability of local industries of the area, and negotiation between local interest groups to develop a framework for managing the future development of the area.

These and other possible models and directions were the subject of a two-day workshop run by the Australian Institute of Aboriginal and Torres Strait Islander Studies in Canberra on 9-10 February. The workshop brought together people who have on-the-ground experience with existing agreements, or with the frameworks and thinking which are developing within each of the States and Territories. Participants discussed how Regional Agreements might evolve and what resources might be required to facilitate them. In some regions marine resources and fisheries management will be important; in others, agreements with mining companies and pastoralists, while in others management of forestry, and irrigation resources will be more at issue. All agreements will need to include different levels of government. The aim of the project is to develop practical briefing papers on the possibilities of Regional Agreements for use by all interested parties, and to produce a series of case studies on the situation in selected regions around Australia. Material from the project will be available in various stages from April. The full set of papers will be available towards the end of the year.

Examples of the agreements can be found in *Australian Indigenous Law Reporter* Vol.1 no 3 August 1996 pp 446-465; discussion of the issues can be found in: *ATSIC Regional Agreements Seminar, Cairns 29-31 May, 1995*. Canberra : ATSIC, 1995.; and *The way forward : collaboration and cooperation 'in country' : proceedings of the Indigenous Land Use Agreements Conference (26 - 29 September 1995, Darwin, Northern Territory, Australia)* edited by Gary D. Meyers. Perth, W.A. : NNTT and AGPS, 1995.

For further information on the Regional Agreements project contact the Native Titles Research Unit at AIATSIS on (06) 246 1153 or email: ntru@aiatsis.gov.au.

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4. National Native Title Tribunal

A new information service offering comprehensive details of all native title applications is now available on the Internet at <http://www.nntt.gov.au>. In February the National Native Title Tribunal launched its upgraded, interactive homepage with extensive information on claims and native title processes, including Tribunal casenotes (plain English summaries) of legal judgments and rulings on native title and related issues.

The Tribunal web site will be updated daily as new information becomes available, and a 'What's New' button will be added to keep the public informed of latest developments.

The NNTT publish a monthly bulletin titled Native Title Update. It lists applications lodged, applications accepted and objections lodged during the month. It is available gratis from NNTT by phoning (09) 268 7272 or 1800 640 501 (toll free WA only). A consolidated list of all claims called the National Native Title Tribunal Timeline will be updated daily and free of charge on the NNTT web site: <http://www.nntt.gov.au>. Hard copies are available but the following costs apply: \$130 per annum via fax every fortnight or \$260 by mail every fortnight.

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5. AIATSIS NTRU Issues papers

In response to the Wik decision the NTRU has published three Issues papers: *Co-existence of Interests in Land: a Dominant Feature of the Common Law* by Maureen Tehan, *Wik- the Way Forward*, by Rick Farley and *Lighting the Wik of Change* by Mark Love. These and future issues papers are available from our web site: http://www.aiatsis.gov.au/ntru_abt.htm.

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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

Shellharbour [NNTT Ref# NC95/9]

NSW state government has approved the construction of the Shell Cove marina at