

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

Shellharbour south of Wollongong, despite a native title claim by Korewal Elouera Jerrungarugh Tribal Elders Corporation for areas below highwater mark. (*SMH*, 4 Dec p7)

Before the Shell Cove marina project can proceed, developers and two Aboriginal claimant groups expect to meet early 1997 to discuss native title claims covering the intertidal zone, Shellharbour swamp and other Crown land. (*Illawarra Mercury*, 18 Dec, p14)

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South Coast [NNTT Ref# NC97/1]

A native title claim has been lodged on behalf of the Dariwal people for land and waters between Wollongong and Ulladulla and west to Marulan. The area includes Crown land, State forests, timber reserve, national park, state recreation land and leased land within State forest and waters. (*SMH*, 9 Jan, p7) The application was lodged by Reuben Brown of the Korewal Elouera Jerrungarugh tribal elders group on behalf of the Dariwal; a part of the claim includes royalties for water, forestry and fisheries; and compensation for the proposed gas pipeline. (*Illawarra Mercury*, 10 Jan, p2)

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VIC

Yorta Yorta [NNTT Ref#VC94/1]

Lawyers for the pastoralists opposing the Yorta Yorta claim have advised their clients to expect a negative judgment following the High Court's Wik ruling. (*Age*, 3 Jan, pA5) the case will resume in the Federal Court early February but the state government, which is contesting the claim, will not present its case until August. (*Age* 6 Jan, p.A5)*

Murray Shire Council believed there would be leases within the shire affected by the Wik decision. The shire has continued to maintain representation in the case on behalf of its residents and ratepayers. The Yorta Yorta claim hearing will continue throughout 1997, cross examination of the applicant's lay witnesses will start at Echuca on February 17, evidence of applicant's expert witnesses will start in Melbourne on May 5 and the case for the respondents will start in Melbourne on August 4. (*Deniliquin Pastoral Times*, 7 Jan, p5)

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Daylesford [NNTT Ref#VC97/1]

The Werundjeri people who have claimed native title to land on which a Telstra tower is built, have impounded the tower and will call for tenders for its demolition. (*HS*, 12 Jan, p21)

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QLD

Peel Island

Gazettal of Peel Island as a National Park could not proceed due to a native title claim on the island. (*Sunday Mail (Qld)*, 8 Dec, p57)

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Southport [NNTT Ref#QC96/69]

Negotiations are under way to build an Aboriginal theme park on the Southport Spit at the Gold Coast which would be jointly run by Aborigines and non-Aborigines as a business venture; Aboriginal leaders stress the cultural centre is a business proposal and is a separate issue to native title, although the site falls within the Gombemberri Ngarang-Wal Gold Coast native title claim which spans from the Coomera River in the north to the Tweed River in the south and to the continental shelf in the east. (*Sunday Mail(Qld), Jan 19, p39*)

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WA

Swan Valley [NNTT Ref#WC95/81]

The Swan Valley Nyungah Community's claim to 7000 parks and reserves lodged in December 1995 was accepted by the NNTT in August 1996; the claim covers metropolitan area south to Boddington and Pinjarra, north to Yanchep beach and north-east to Northam, York and Toodyay; spokesperson Robert Bropho said the 'claim was made to protect the areas so that everyone, black and white, could enjoy them'; a claim covering the Swan Brewery site has also been made but not yet accepted by the NNTT (*Sunday Times (WA), 15 Dec, p3*)

Lawyers for the Swan Valley Nyungah Community argued that work of installing pylons for a jetty at the old Swan Brewery site interfered with native title; an interim injunction was granted until the parties could come before the court. (*WA, 31 Jan, p.3*)

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Burswood Island [NNTT Ref#WC96/46]

A claim on behalf of the Ballaruk people has been accepted by the NNTT; the claim covers vacant crown land and reserves on Burswood Island, including Burswood Park and land surrounding the Burswood Casino complex. (*WA, 9 Jan, p6*)

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

The Miriwoong and Gajirrawoong claim over the Ord River development area is set down for a minimum four month Federal Court hearing starting in July; the claim covers 6350 sq km of the East Kimberley including land and water and if successful would be WA's first native title claim to be finalised. (*WA, 11 Jan, p28*)

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NT

Larrakia claim [NNTT Ref# DC96/7]

Larrakia lodge claim for undeveloped Crown land, parks and reserves in Darwin, Palmerston area; Larrakia spokesperson Bill Risk said they were claiming public

areas on co-existence principles. (NTN, 2 Dec, p1)*

NT Minister for lands, Mike Reed, said compensation to Larrakia could exceed \$100 million; he based this figure on the small area of Crescent Head in NSW for which \$500,000 was paid in compensation. (NTN, 3 Dec, p2)*

NT news editorial calls for changes to Native Title act to 'disallow' claims such as that of the Larrakia. (NTN, 3 Dec, p8)

NT news editorial claims ALP will lose electoral support because it is seen as a strong supporter of the Northern Land Council and Aboriginal rights. (NTN, 4 Dec, p6)

Bill Risk, spokesperson for Larrakia states the Larrakia claim is not an ambit claim and the NT government has pushed through a number of developments with no consultation with the Larrakia leaving no option but to seek compensation; the approach of the NT government will determine how quickly developments proceed; he stressed that the NT economy and the broader community benefits from joint mining ventures and tourism on Aboriginal land. (NTN, 4 Dec, p10)

NT government announced it will compulsorily acquire native title rights to the Wickham Point gas plant site thus removing the liability of the gas plant developers to a compensation agreement; this follows similar action to compulsorily acquire land under native title claim at the East Arm port site. (NTN, 5 Dec, p2)

NT ALP opposition leader Maggie Hickey stated that her opposition to the Larrakia claim was supported by her ALP caucus; and that an early election called on the issue would not benefit the Country Liberal Party. (NTN, 5 Dec, p10)

Larrakia people formally lodge claim for areas of vacant crown land, nature reserves, mangroves beaches, new Darwin port, part of corridor for the proposed Darwin to Alice Springs rail link and the site for a natural gas plant; the claim also seeks compensation for the extinguishment of native title in two residential developments. (Age, 7 Dec, p3)*

NT Chief Minister, Shane Stone, claimed Darwin residents may have to pay to visit their favourite beach if the Larrakia were successful in their native title claim, (NTN, 9 Dec, p5) however NLC chairman, Galarrwuy Yunupingu, said NT and federal laws ensured public access to beaches and this would not be affected by native title. (NTN, 10 Dec, p4)

NT Acting Sports Minister, Daryl Manzie, said the Larrakia claim could block development of the Marrara sporting complex; Northern Land Council chairman Galarrwuy Yunupingu denied the claim and said the NLC had approached the NT government several times to negotiate the Larrakia claim. (NTN, 16 Dec, p6)

In a lengthy article the NT Chief Minister Shane Stone gave his interpretation of the Larrakia claim and its effects on Darwin; these included the extent of the claim, what is meant by 'appropriate compensation', how the claim affects Darwin residents, what is meant by co-existence and the government's attitude to and views on the claim. (NTN, 16 Dec, p10) He later announced that the NT government would contest compensation for the Larrakia people. (Aus, 26 Dec, p4)

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SA

Agreement has been reached between the Murray Darling Commission, the

Barkindji people, local landholders and NSW and SA governments which will result in the development of a management plan for Lake Victoria. The agreement recognises the cultural affiliation of the Barkindji people to Lake Victoria and commits the parties to the longterm protection of significant sites with the optimum use of the lake as a water source. (*Aus, 3 Dec, p4*)

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De Rose Hill [NNTT Ref# SC94/2]

The Yankunytjatjara claim over parts of De Rose Hill Station, will be heard before the Federal Court in February following a breakdown in mediation before the NNTT. (*Ad, 23 Jan, p6*)

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NATIVE TITLE ACT AMENDMENTS

In response to the Larrakia native title claim PM John Howard criticised what he regards as 'capricious' and 'extravagant' Aboriginal land claims; Mr Howard believes proposed amendments to the native Title Act would make it harder for such claims to proceed. (*Age, 3 Dec, A6*)* he said that claims such as the Larrakia claim had potential to undermine the reconciliation and native title process; in response Justice French said that problems could be solved in the mediation or negotiation process. (*CT, 3 Dec, p3*)*

Senator Eric Abetz, Chair of the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund, tabled the Committee's seventh report which recommended the Parliament should proceed in adopting the proposed amendments to the Native Title Act; stating that 'this report refutes any suggestion that the proposed amendments to the Native Title Act are inconsistent with the Racial Discrimination Act.' (*Press release, 12 Dec*)

The ALP is developing a strategy on changes to the Native Title Act designed to counter expected government accusations that it is obstructionist and split on the issue however it would not accept changes to the principles enshrined in the legislation and rejected claims that legislative action was needed in response to the Wik decision. (*Aus, 2 Jan, p2*)

Frank Brennan believes the major challenge in 1997 for PM Howard is the amendment of the native title legislation whilst fulfilling a promise that it would be done 'in a manner that completely respects the provisions of the Racial Discrimination Act.' There will need to be more trust between the government and the Aboriginal representative bodies to negotiate a workable Native Title Act. (*SMH, 4 Jan, p21*)

Senior Liberal Party official, Mr Tony Nutt has been appointed chief adviser to Attorney General Daryl Williams to help oversee expected changes to native title laws. (*SMH, 5 Jan, p5*)

The Australian's political correspondent, John Short, analyses the problems for the ALP in opposing changes to the Native Title Act, and how the Government will exploit any divisions within the ALP on the issue. (*Aus, 6 Jan, p9*)

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