

Conclusion

It is difficult to read the outcome of the case. Gummow J and Gleeson CJ remained very quiet during arguments. It is likely that the court will confirm a number of approaches that they have been foreshadowed. They are also likely to make some strong comments in relation to what constitutes 'tradition'. The fundamental question re-

mains whether the Yorta Yorta will receive a positive outcome for their particular case. The Court is still faced with the dilemma of overturning findings of fact by a trial judge, something they will be loathe to do. They need to be confident that the test applied by Olney was so erroneous that it infected the assessment of the facts.

NATIVE TITLE IN THE NEWS

New South Wales

Wyong Council is seeking confirmation from Darkinjing Land Council that the native title claim around Norah Head includes the historic buildings. Darkinjing has made a claim over the site including the historic lighthouse, and according to the Council the claim is for the whole site including the buildings. Both Wyong Council and Darkinjing Land Council are hoping to clarify this confusion. *Central Coast Express* 10 April 2002

Victoria

A Federal Court in Melbourne has deferred the Wotjobaluk native title claim until the 17 June 2002. The Wotjobaluk claim has been in mediation since September 1999 and the Federal Court hearing was designed to decide whether mediation has run its course. The Federal Court has allowed until the next hearing in June to continue the mediation. The claim area is for 10,000 square kilometers of mostly Crown land and waterways. *Wimmera Mail Times* 22 March 2002

South Australia

The NNTT is going to begin mediating in a claim for 95,869 square kilometers of land north of Lake Eyre National Park. The

Wangkangurru/Yarluyandi people are seeking recognition of their native title rights over the area. They are not seeking exclusive rights or interests. The other parties involved in the mediation include representatives from pastoral, mining, telecommunications, apiarists and state and

local government groups. *Adelaide Advertiser* 3 April 2002

In the Cooper Basin, the balance achieved between Indigenous land holders and mining interests has been a result of the future act regime or CO98 Agreements. Seven petroleum companies and three native title parties, namely the Edward Landers Dieri People, the Yandruwandha/Yawarrawarka Peoples and the Wangkangurru/Yarluyandi Peoples, reached consensus in agreeing to petroleum exploration and royalties. *Oil and Gas Australia* 1 February 2002

Queensland

A meeting in Brisbane with Mount Isa City Council will discuss the ongoing progress of Indigenous Land Use Agreements (ILUA's) in the Mt Isa region. The Mt Isa Council recognise that the next stage will be the formation of a group of representatives from the Kalkadoon Tribal Council, one of the key claimant groups in the area, to become part of the agreement process. *North West Star (Mt Isa)* 3 April 2002

Native title applications around Charters Towers, Hugenden and Richmond have been advertised, and the NNTT has invited people with interests in the land to register that interest. The applicants are the Woolgar People applying for 224 square kilometres of land north-east of Richmond; the Kudjala People applying for 319 square kilometres of land south-west of Charters Towers and the Cape Holdong Group applying for an area covering 19 square kilometres of land south-west of Charters Towers. Parties have until 20 May 2002 to register their interest. *National Native Title Tribunal 7 February 2002*

Parties are invited to negotiate the native title application around Quilpie, Bulloo, and Paroo. The Mardigan People are seeking to have their traditional rights recognised over approximately 28,580 square kilometres of south-west Queensland. Any person who thinks they may have an interest in the claim has until 20 May 2002 to apply to the District Registrar of the Federal Court. *National Native Title Tribunal 7 February 2002*

The National Native Title Tribunal has advertised to notify people with any interests in the land under native title application near Kowanyama, north-east of Normanton on the Gulf of Carpentaria, to register with the District Registrar of the Federal Court to become a party to the application. The application by the Kowanyama People covers an area of 22,320 square kilometres. Parties have until 20 May 2002 to register their interest. *National Native Title Tribunal 7 February 2002*

Western Australia

The second round of evidence in the first Goldfields native title claim to reach the Federal Court is likely to be heard from mid June. More than 2,000 Aboriginal people

from over 50 families are involved in the Wongatha claim which covers almost 184,000 square kilometres of the North Eastern Goldfields. The Wongatha claim is the result of the amalgamation of more than 20 native title claims in the area. *Kalgoorlie Miner* 3 April 2002

In the Wongatha native title claim, affidavits have been presented to the Federal Court about restricted evidence that will be presented to the court at sites near Leonora. Nagalia Kutjungkatja Claim applicants Dolly Walker and Kado Muir have asked that parts of their evidence be restricted due to the secret men's and women's business that will be disclosed. *Kalgoorlie Miner* 26 March 2002

There are currently more than 11,000 applications including 5,300 mining leases for mineral tenement applications in Western Australia. *Gold Gazette, WA* 1 February 2002

Northern Territory

Approval for a native title claim over the route that will become the pipeline carrying Timor sea gas from Darwin Harbour to the processing plant at Gunn Point is being sought in the Federal Court. The claim by Larrakia People and Tiwi People covers about 2,842 hectares and runs for 60 kilometres. *Northern Territory News* 21 March 2002

The National Native Title Tribunal is asking people with interests in land and water that is covered by 12 native title applicants in the Northern Territory to register for talks which are aimed at reaching negotiated agreements. The applications are in the Darwin and Borroloola regions, and also in rural townships in the northern region of the Territory. The Territory Manager Mr Ian Williams said people or organisations with interests in the area claimed may want to be involved in working out how their rights may coexist with native title

holders. They have until 2 July 2002 to apply to become a party to the applications. *National Native Title Tribunal 20 March 2002*

The Federal Minister for Indigenous Affairs Phillip Ruddock has handed over the deeds for land to the traditional owners of Hermannsburg. The land comprises 515 hectares of former road reserves. *Mildura Independent Star 7 April 2002*

APPLICATIONS

The National Native Title Tribunal posts summaries of registration test decisions on <www.nntt.gov.au>. The following decisions are listed for March-April. The first number following the name is the NNTT Application Number, the second is that of the Federal Court. If an application has not been accepted, this does not mean that native title does not exist. The applicant may still pursue the application for the determination of native title. If an application does not pass the registration test, the applicant may seek a review of the decision in the Federal Court.

Middle Arm Area A	DC01/72	People #4	Accepted
	D6072/01	Gunggari People #2	QC01/28
	Accepted		Q6027/01
Mooka Traditional Owners Council	NC02/2		Accepted
	A6000/2002	The Nyoongar Ghuree - Bhurrah (Gubboothar) Far Western Gumilaroi Aboriginal People	NC01/4 N6017/2001
Gan Bruce	NC02/1		Not Accepted
	N6000/02		
	Not Accepted	Badimia People	WC96/98
Mallapunya/Cresswell	DC02/1		WG6123/98
	D6001/02		Accepted
Mooka Traditional Owners Council #2	Accepted	Dalmore Downs South	DC02/2
	NC02/4		D6003/02
	N6001/2002		Accepted
Wiradjuri Council of Elders	Not Accepted	Welltree	DC02/3
	NC02/3		D6004/02
	N6002/02		Accepted
Gunggari People	Accepted	Eastern Yugambah People	QC01/2 Q6002/01
	QC96/1-2		Not Accepted
	QG6019/98	Southern Barada and Kabalbara People	QC00/4-1 Q60004/00
Barada Bana Kabalbara and Yetimarla	Accepted		Accepted
	QC01/25		
	Q6023/01		