

better placed to disseminate their knowledge to the rest of the community.

Specifically the course was designed to provide participants with:

1. a better understanding of native title law and the *Native Title Act 1993* (Cth), with a focus on consent determinations and Indigenous land use agreements;
2. an understanding of the roles and functions of the National Native Title Tribunal (NNTT) and the Federal Court of Australia;
3. the opportunity to participate in discussions about options for corporate and decision making structures for their claim, including participating in a PBC workshop conducted by the NNTT;
4. the opportunity to participate in discussions with other stakeholders/parties regarding possible outcomes for their consent determination;
5. a tour of Parliament House; and
6. a visit to the Perth office of the Yamatji Land and Sea Council that would include a workshop on the operation of the future act regime.

In preparation for the course, the Ngarla claimants participated in a series of workshops at their working group meetings. These workshops were conducted by the Pilbara Native Title Service (PNTS) with the assistance of the NNTT.

The workshops included a viewing of the NNTT video 'Native Title in Brief' and discussions on:

- the native title determination application process,

- native title and land tenure,
- the role of other parties in the native title claim process,
- outcomes of various native title determinations around Australia, in particular the Nharnuwangga, Wajarri and Ngarla Peoples determination,
- issues relating to pastoral leases, and
- the possibilities for social (non-native title) outcomes from consent determinations.

The working group also met with representatives from the Indigenous Land Corporation, the Department of Fisheries and other stakeholders prior to their trip to Perth.

Outcomes

Feedback from the group indicates the course was very productive and worthwhile. The group particularly enjoyed their visits to the Federal Court, the National Native Title Tribunal, Parliament House and the Department of Mineral and Petroleum Resources. Nora Cooke, Ngarla Working Group member and PNTS Steering Committee representative, remarked that the trip had generated a momentum among the working group and that they have a much stronger sense of the task ahead of them with regard to the various players involved in mediation. She also said that a number of the younger claimants have 'stepped up' in their role and now speak from a more informed position and with greater confidence.

NATIVE TITLE IN THE NEWS

National

On the night of the tenth anniversary of the *Mabo* decision, Mr Clark announced a new task force of Indigenous leaders to tackle the "unfinished business" of Indigenous rights. *Courier Mail* 4 June 2002.

The Federal Aboriginal Affairs Minister Phillip Ruddock has claimed that development in the Northern Territory was being stifled by the *NT Aboriginal Land Rights Act*. The Federal Government has promised to streamline the Act by removing barriers to economic development and devolving con-

trol from land councils to more localised bodies. *Kalgoorlie Miner* 23 May 2002

The High Court has reserved its decision on the Yorta Yorta people's native title claim after a two day hearing. Part of the appeal is to test aspects of the common law and the Native Title Act that requires unbroken traditional links for title to be granted. *Shepparton News* 27 May 2002

The Attorney-General Daryl Williams has said that the resolution of native title issues in 2002-3 will cost \$130 million. The Attorney-General said that the funding would be shared between the National Native Title Tribunal, the Aboriginal and Torres Strait Islander Commission and the Attorney General's Department. The aim of the funding is to speed up the process and to support participants. *Advertiser (Adelaide)* 15 May 2002

Radio broadcaster Alan Jones from 2UE has won the final stage of a defamation case over comments he made about a native title claim. *Australian Associated Press* 14 June 2002

Northern Territory

The High Court has rejected 7-0 the claim by 10 individuals, over a 10,000 sq km seabed between Darwin and Melville Island. Director of the Northern Land Council Norman Fry said the council was disappointed but was not defeated on the question of Indigenous sea rights. *Mercury Hobart* 31 May 2002.

On the 17 May 2002 the Attorney-General, Daryl Williams, Acting Minister for Immigration and Multicultural and Indigenous Affairs handed over the deeds of title for the former Urapunga cattle station in the Northern Territory to its traditional owners. The deeds were handed over at a ceremony at Rittarangu community to the Urapunga Aboriginal Land Trust. Urapunga is about

300 km east of Katherine. It is boarded on the southern boundary by the Roper River and to the north and east it joins with land granted to the Arnhem Land Aboriginal Trust. *Media Release Department of Immigration and Multicultural and Indigenous Affairs, Federal Government* 17 May 2002

The Northern Territory has ended nearly 25 years of wrangling over the Kenbi land claim. The claim was lodged by the Northern Land Council on behalf of the Larrakia people in 1977. Chief Minister Clare Martin said the Government would withdraw an appeal against the claim lodged by the former Government last year. *Northern Territory News* 9 May 2002

Western Australia

The Wongatha native title claim will be heard in Kalgoorlie-Boulder between June 17 and August 2. More than 2,000 Aboriginal people are involved in the claim, which stretches over almost 184,000 sq km of the North Eastern Goldfields. The final decision by Justice Kevin Lindgren indicated that he would grant three to four days instead of the requested thirteen at Leonora but that the remainder would be held in Kalgoorlie. *Kalgoorlie Miner* 15 May 2002

The Swan Valley Nyungah Community is seeking a protection order that will block the development of a residential site covering 300 ha of Bushmead Rifle Range on the borders of Swan, Kalamunda and Mundaring. Community elder Robert Bropho said the site was spiritually significant. Co-applicant and elder Kevin Cameron also said that the area contained Aboriginal sites and endangered animals like the short-necked turtle. *Midland Reporter* 25 June 2002

Until the High Court makes a decision on the *Ward* (the Miriuwung-Gajerrong people) case all other claims in the Kimberley have been postponed until it is handed down. *West Australian* 5 June 2002

Dolly Walker the representative of the Ngalia Kutjungkata claim has written to the GLSC Director Brian Wyatt informing the council that the Ngalia people would represent themselves in court. They are no longer willing to be represented by the Goldfields Land and Sea Council. The Ngalia Kutjungkata claim covers 65,775 sq km of land north-west of Leonora including unallocated Crown land, pastoral leases, reserves and mining areas. *Kalgoorlie Miner* 18 June 2002

Two of Perth's Aboriginal activists are in dispute regarding a native title claim over Western Australia's capital city Perth. Corrie Bodney and Robert Bropho are both questioning the others right to claim native title. The claim covers a 12,123sq km area extending west of Rottnest to Clackline in the east, Gingin in the north and Mt Cooke in the south. Their cases highlight the difficulties inherent in determining competing native title claims. *Australian* 6 June 2002

The Federal Court in Perth examined evidence put forward by Mr Corrie Bodney on behalf of the Ballaruks People at a directions hearing in early June. The Ballaruks claim did not pass the Tribunal's Registration Test in 1999 and the claimants therefore lost the right to negotiate over the claim area. *Media Release, National Native Title Tribunal* 5 June 2002

An agreement has been signed between Mt Gibson Mining manager director Brian Johnson and the Wajarri Elders Group in Geraldton. Mt Gibson is planning to mine Tallering Peak but there are two native title claims on the area. One is from the Wajarri Elders and the other from Mullewa Wajarri people. Mt Gibson has already signed an agreement with the Mullewa Wajarri people but recognised that the Wajarri Elders also had a legitimate native title claim. Mining looks like it will commence early next year. *Geraldton Guardian* 30 June 2002.

In the Goldfields, representatives of the Ngalia Kutjungkata native title claimants have called on the Wongatha people to withdraw their overlapping claim, asserting that it is on Ngalia land. The Wongatha people have the first registered claim to be heard before the Federal Court. *Kalgoorlie Miner* 22 May 2002

It is expected that the *Ward* decision to be handed down by the High Court in the coming weeks, will stimulate mineral exploration and mine development. It is hoped that the decision will provide clarity to native title claims and determine whether native title rights include mineral rights and whether granting mining leases extinguished these rights. *Australian Financial Review* 13 June 2002

An agreement signed in Nannup between native title claimants and the mining company Cable Sands has enabled the grant of a State deed to mine titanium. Under the terms of the agreement, the local Boojarah people will be given job opportunities and other compensation in return for access to 126 hectares in Jangardup South. The company estimates the mine will be worth approximately \$330 million however environmental approval is still needed for the mine to go ahead. *West Australian* 23 June 2002

The State government has put together a native title deal worth \$27.5 million in order to progress a full scale industrial development of the Burrup Peninsular in the Pilbara. The deal would recognise the native title claims of three Aboriginal groups, two of which are currently contesting their claims in the Federal Court. The Wong-Goo-Tt-Oo group is in dispute with the Ngaluma Injibandi group, however these two groups must join a third party, Yaburara Mardhudunera to sign and accept the deal. The Wong-Goo-Tt-Oo group have indicated that they will not sign the deal and will wait for the Federal Court decision. *West Australian* 24 May 2002

Three parcels of land were handed back to traditional owners in Cue last week. The 2.9 hectares of land was transferred to the local Thoo Thoo Warninha Aboriginal Corporation who will hold the land in trust for the Aboriginal owners. *Geraldton Guardian* 6 May 2002

The Nharmuwanggam Wajarri and Ngarla people of the Gascoyne region have been told that they need public liability insurance to hunt for kangaroo or carry out any traditional business on a pastoral lease. The Yamatji Land and Sea Council who represents the Nharmuwanggam Wajarri and Ngarla people has said that there is no avenue to appeal because they had signed an out of court agreement. *West Australian* 1 June 2002

Queensland

Justice Ronald Sackville of the Federal Court made an order in early June that native title did not exist in the land known as Castle Hill Holding. The court heard that Noel Kennedy the present occupant of the 23,800 ha property, has had continuous possession since 1952. The property had been under various leases since the 1880's. *Courier Mail* 18 June 2002

A Native Title Studies Centre has been launched in the far north of Queensland by Premier Peter Beattie. The centre will be based at James Cook University in Cairns. Graeme Neate President of the NNTT says the centre will add to the success of Queensland in addressing native title issues. *ABC Online* 4 June 2002

A sea claim, lodged by the Torres Strait Regional Authority (TSRA) in November last year is being tested for registration with the NNTT. The claim covers the eastern, central top western, and near western geographic regions in the Strait. It covers the sea, seabed, subsoil, reef, shoals and sandbanks.

The Torres Strait Regional Authority representing the Buru Waral Kawa people have registered a shared native title claim over four uninhabited Torres Strait Islands – Turnagain Island, Deliverance Island (Warul Kawa), Kerr Islet and Turu Cay. Any person with an interest in the claim has until the 25 September to apply to the District Registrar of the Federal Court to become a party to the application. *Courier Mail* 18 June 2002

BHP Billiton Mitsubishi Alliance's South Blackwater and Blackwater coal mines will continue development and expansion after they finalised an agreement with the Kna-goulu and Ghungalu people of Central Queensland. The traditional owners said that the agreement gives them an opportunity to establish for the first time a sound economic base on which they can build, protect and sustain their culture for generations. *Koori Mail* 26 June 2002

The Alluna Land Trust is now the legal owner of the Alluna Aboriginal Reserve. The Queensland Government granted freehold title over the land to its traditional owners at celebrations that were held in Cairns in late June. The handover of the 16.83 hectare parcel of land in Bungalow, is the outcome of seven years of hard work and negotiation between the Indigenous community and State government agencies. *Cairns Post* 24 June 2002

The Mount Isa Mines company is expected to start exploration this season after an Indigenous Land Use Agreement was registered between the Kalkadoon people and the State Government. The ILUA has lifted the restriction on about 60 mining exploration permits for the Mount Isa area. Kalkadoon solicitor Sean Sexton said the agreement showed the fruits of reaching agreement rather than litigation. *North West Star* 20 May 2002

The native title claim on an area of land in Broadsound and Livingstone shires is progressing. The claim by the Southern Barada and Kabalbara people is for 881.4 sq km of land about a 103 km north west of Rockhampton. The National Native Title Tribunal are calling for interested groups to become party to the application. *Daily Mercury (Mackay)* 21 June 2002

The Queensland government has signed an agreement with two native title groups and the mining company Enx Togara Pty Ltd. Plans to develop a thermal coal mine in the Bowen Basin have begun. The Togara Agreement follows successful negotiations with the Kangoulu and Ghungala peoples. The agreement sets out how the Indigenous people and the government will coexist during the 35 year life of the project. It also addresses protection of cultural heritage issues and provides employment, training and business opportunities for the areas traditional owners. *Morning Bulletin (Rockhampton)* 19 June 2002

New South Wales

The Native Title Registrar has accepted the application for registration by the Bigamul people for native title in the Moonie region between St George, Dalby and the New South Wales-Queensland border. The claim spans an area of 24,000sq km. Any person who believes they have an interest in the claim has until 28 August to apply to the District registrar. *Chronicle (Toowoomba)* 16 May 2002

The NNTT placed advertisements in late June inviting people who wish to become a party to the application of native title in the Lake Cowal area to do so. The Wiradjuri people lodged the claim asking for their traditional rights to be recognised over the 2,637 ha located approximately 35 km north – north-east of West Wyalong. People with interest have until 9 October to apply to the District Registrar of the Federal Court in Sydney. *West Wyalong Advocate* 28 June 2002

A new native title service in NSW called The New South Wales Native Title Service (NSWNTS) has been endorsed by the ATSIC NSW State Authority Committee. The NSWNTS has opened offices in Sydney, Coffs Harbour and Dubbo with a fourth office opening soon in the south of the State. Three NSW ATSIC Commissioners will be included on the management board as well as Aboriginal people nominated from across the State. *Koori Mail* 26 June 2002.

Victoria

A native title claim is in doubt because the distribution of compensation, which is part of the agreement, is being questioned by claimants. The native title agreement over a Geelong region was to be ratified (if there were no objections) on July 3, with the Wathaurong clan descendants, State Government and Gas Net Australia (Operations) reaching a deal over the claim on a 20-metre wide gas pipeline corridor between Lara and Birregurra. Trevor Edwards who is the Warthaurong Aboriginal Cooperative Chief Executive Officer said he would object to the agreement because the \$150,000 compensation that had been put into a trust by the Mirimbiak Nations Aboriginal Corporation was going to a particular family. Mr Edwards believes the money should be shared and used for community benefit. *Geelong Independent* 7 June 2002

Two new claims in Wimmera have been accepted by the NNTT. They are the fourth and fifth claims to be made in the Wimmera. The fourth was made by the Yupagalk people, and was approved by the Native Title Registrar in July 2000. The Yupagalk application for native title rights is for Crown land in a 6,447 sq km area north of Horsham. The Registrar also accepted a claim by the Wotjobaluk people in June 1999. The Wotjobaluk application is for rights in two areas totaling 213 sq km west and south east of Stawell. The NNTT is calling for stakeholders in the areas to reg-

ister for negotiations. *Wimmera Mail Times* 17 May 2002

Federal Court and thus the NNTT has been unable to begin the process of mediation. *Hamilton Spectator*. 7 May 2002

Members of the Gunditjmarra native title claimant group are frustrated at what they see as a lack of communication about their native title claim. They are concerned about the delay in entering into a mediation process. The Gunditjmarra native title claim covers 20,360 sq km and runs from the South Australian border to the Shaw River in the south and the Grampians in the north. NNTT state manager Tony Shelley has said that the delay is due to the high number of interested parties being registered by the

South Australia

Councils across South Australia and Victoria will meet to hear about the Gourditch - Mara People's native title claim. The meetings are so that councils in the claim area can meet the NNTT member who will be mediating the claim. *Wimmera Mail Times* 12 June 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.

Howard River East TQ	DC99/9-2 D6009/99 Not Accepted	Koolpinyah Central	DC02/6 D6007/02 Accepted
Mirning People	WC95/13-2 WG6016/98 Accepted	Widjabul Aboriginal People	NC01/7 NC6019/2001 Accepted
Koinjmal People	QC01/4 Q6004/01 Accepted	Mimaga Wajaar Traditional Custodians Wunurah Claim	NC01/1 N6007/01 Not Accepted
Kudjala People # 4	QC02/18 Q6015/02 Accepted	Bidjara #2	QC97/23-2 QG6133/98 Not Accepted
Sundown Point	TC00/01 T6001/00 Not Accepted	Dry River	DC02/8 D6009/02 Accepted
Kokotha Munta	SC99/3-2 S6003/99 Not Accepted	Dangalaba #3	DC96/3 DG6012/98 Not Accepted
Rosewood	DC02/5 D6006/02 Accepted	Dangalaba #1	DC96/1 DG6010/98 Not Accepted
Barada Barna Kabalbara and Yetimarla	QC97/59-2 QG6224/98 Accepted	Dinah Beach	DC96/2 DG6011/98 Not Accepted