

NATIVE TITLE IN THE NEWS

Native Title News now contains, where applicable, the application numbers for native title claims mentioned in the news. Following the news summary is the NNTT Application Number and the Federal Court number.

Northern Territory

Northern Territory Chief Minister Clare Martin wants to negotiate 11 land rights claims stemming from a revelation that 50 of the Territory's parks and reserves had been invalidly declared. However Denis Burke, leader of the Opposition, claims that the Government is trying to hand over the Territory's parks to Aboriginal interests. *ABC News Online*. 28 November 2002.

The Minister for Indigenous Affairs Phillip Ruddock has handed back to traditional owners land totaling 110,000 ha near Pine Creek in the Northern Territory. At a ceremony in Kybrook the land was returned to the Wagiman Aboriginal Land Trust. Mr Ruddock praised the Wagiman people for identifying the potential for economic development through pastoral enterprise, cultural and eco-tourism and making artifacts. *ABC News Online*. 8 December 2002.

Western Australia

The Goldfields' biggest native title claim, the Wongatha claim, is being reduced. The claim covering almost 184,000 sq km is being reduced to 159,400 sq km to accommodate a recent application for native title by the Pilki people. The Pilki claim is located 320 km east of Laverton, overlapping the eastern portion of the Wongatha claim and covers about 24,400 sq km. Bertus de Villiers, native title manager of the Goldfields Land and Sea Council said that those Wongatha people who have a connection to the Pilki area will form part of the Pilki claim

and both claims will be determined separately. *Kalgoorlie Miner*, 12 November 2002. Wongatha claim: WC99/1, WG6005/98 Pilki claim: WC02/3, W6002/02.

The hearing for the Wongatha claim is expected to conclude in the last week of November, with the third round of evidence to be heard in the Federal Court. More than 2,000 Aboriginal people from 50 families are involved in the claim which stretches 159,400 sq km. Mr Brian Wyatt, Director of the Goldfields Land and Sea Council, said that the next round of evidence would be given next year by expert witnesses, and would probably be held in Perth. *Kalgoorlie Miner*, 22 November 2002. Wongatha claim: WC99/1, WG6002/02.

Two of the registered claimants for the area over the Burrup Peninsula industrial estate have reached an agreement. The Ngarluma Indjibarndi and Yaburara Mardudhunera groups signed the agreement to give native title clearance in the Maitland and Burrup industrial estates and land in Karratha for residential estates. However the deal hinges on the outcome of continuing arbitration with the third claimant group, the Wong-Goo-Tt-Oo and whether the NNTT allows the State's request for a compulsory acquisition if the arbitration is unsuccessful. If the agreement is successful the claimant groups will receive heritage protection and compensation worth \$15.6 million, including economic and community benefits such as employment and education services. Despite the problems with the agreement the Deputy Premier Eric Ripper says the deal will be a win-win result for Indigenous people, industry and Western Australians. Mr. Ripper is hopeful that the decision to be made by the Tribunal will be handed down within three months. *West Australian*, 13 November 2002. Yaburara Mardudhunera claim

WC96/89, WG127/97; Ngarluma/Injibandi claim: WC99/14, WG6017/96; Wong-Goo-Tt-Oo claim: WC98/40, WG6256/98.

A landmark agreement has been signed between Yamatji Land and Sea Council and five Murchison Shires in mid-west Western Australia. The shires of Cue, Yalgoo, Sandstone, Meekatharra and Mount Magnet have agreed to work together with Yamatji to resolve native title issues, heritage, cultural and economic issues. Roger Cook, executive director of Yamatji Land Council, hopes that the memorandum can become a model for other local government authorities. *ABC News Online*, 27 November 2002.

An historical agreement has made way for mining and exploration in a vast area of the Pilbara. The agreement covers 7,276 sq km around Tom Price and is the first ILUA of its type. The agreement between the Eastern Guruma people, Hamersley Iron, Rio Tinto Exploration and the State Government, was finalised in early December and submitted to the NNTT for registration. The Tribunal will advertise the agreement for a three-month notification period, and once it is formally registered it is legally binding on all native title holders to the area. *North West Telegraph*, 11 December 2002. Guruma claim: WC97/89, WG6208/98.

Queensland

The Wulli Wulli people will meet with the Newcrest mining company and Sedimentary Holdings to negotiate an ILUA in Cracow. Newcrest plans to develop an underground gold mine, 4 km west of Cracow with the potential to produce 675,000 ounces of gold over a seven year period. Newcrest also plans to refurbish the existing treatment plant, which has been closed since 1993. Banana Shire mayor Glenn Churchill said that he was quite confident that a positive outcome could be reached for the Wulli Wulli people, Newcrest and Cracow. *Central Telegraph*, 1 November 2002.

The Kalkadoon People and Matrix Metals Limited have signed a landmark ILUA. They have been negotiating the agreement for three years. This outcome will allow Matrix to have new mining leases granted within the ILUA area and it will also provide the Kalkadoon people with opportunities and benefits related to the grant of each lease and to the mining activities of the company. *Mining Chronicle*, 1 November 2002.

An eight day protest between Pasminco and the Waanyi People in north-west Queensland has ended after an agreement to improve consultation with the traditional owners was reached. Around 100 protesters occupied the Pasminco kitchen and cafeteria at the Century mine last Sunday week, sparking a series of negotiations. Other funding and compensation concerns were addressed including the return of cultural relics and intellectual property issues. *Australian Associated Press*, 25 November 2002.

An ILUA has been signed in North Queensland between the State Government and the Ewamian people. The ILUA will be registered with NNTT this year. A backlog of twenty exploration permits lodged with the Department of Natural Resources and Mines on or before 15 September 2000 may be granted under the Ewamian ILUA. *Australian Mining Times*, 30 December 2002. Ewamian claim: QC01/16, Q6018/01.

New South Wales

The Tubba-Gah people, descendants of the original inhabitants of the Dubbo Region have successfully registered a native title claim with the NNTT. The claim covers 628 sq km of the Goonoo State Forest. The notification period begins on the 13 November 2002 and closes on the 12 February 2003. Simon Blackshield, legal adviser for the Tubba-Gah, said that the main objective of the applicants was to ensure that they are involved in the future management process

to ensure protection of their ancestral heritage. *Daily Liberal*, 31 October 2002. Tubba-Gah claim: NC02/9, N6010/2002.

An agreement has been reached over 628.8 sq km of land at Terramungamine Reserve near Dubbo in central western NSW. The Tubba-Gah lodged the native title claim seven years ago. While the agreement does not recognise native title, it does acknowledge the area as part of the Tubba-Gah people's traditional land. The land is to be divided into three areas; a reserve for public recreation, a dedicated Aboriginal burial ground, and a reserve for travelling stock. *ABC News Online*, 5 December 2002. Tubba-Gah claim: NC95/7, NG6016/98.

Victoria

The Minister for Indigenous Affairs Phillip Ruddock has written to Mirimbiak Nations Aboriginal Corporation in regards to concerns over its performance. Mirimbiak, which represents Victorian Aboriginal groups, may lose its recognition as an NTRB because of negative claims made in relation to administration and management practices. The *Native Title Act* states that the Minister may withdraw recognition of a native title body if it is not performing at a satisfactory level on the claimants behalf. *The Age*, 9 November 2002.

Talks are continuing in the Gunditjmarra native title claim. In early August, 80 representatives of the 174 parties concerned with the Gunditjmarra claim attended talks with 20 representatives of the group. Senior case manager with the NNTT, Ian Campbell-Fraser, said as long as the talks were progressing then it was likely that mediation would continue. But he said that mediation is always subject to an overview by the Federal Court. The Gunditjmarra claim covers 20,360 sq km. *Hamilton Spectator*, 9 November 2002. Gournditch-mara claim: VC99/7, VG6004/98.

The Hosham Rural City Council has delayed in-principal support for the Wotjobaluk native title claim until 18 November. The decision comes after the council received a report from chief executive officer Kerryn Shade, who represents Wimmera municipalities, advising that the settlement could cost \$1 million. The council said it would hold off on the issue until they received more information. The agreement would give the Wotjobaluk people significant recognition as descendants of the people who occupied the land before European settlement, while also maintaining the rights of current landholders. All parties involved must make a progress report to the Federal Court by 25 November 2002. *Wimmera Mail Times*, 11 November 2002. Wotjobaluk claim: VC99/3, VG6005/99; VC99/5, V6005/99.

In a five to two ruling the High Court dismissed the appeal of the Yorta Yorta people on 12 December 2002. The longest running native title claim, it was first lodged in 1994 and covers approximately 2,000 sq km of land and waters along the New South Wales and Victorian border. Chief Justice Gleeson, Justices Gummow, Hayne, McHugh and Callinan dismissed the appeal with costs. They believed there was insufficient evidence that the Yorta Yorta people continued to acknowledge and observe traditional laws and customs. Justices Gaudron and Kirby dissented. *Geelong Advertiser*, *The Age*, *The Central Coast Herald*, *Herald Sun*, 13 December 2002. Yorta Yorta claim: VC94/1, VG6001/95.

The Gunai/Kurnai people will attempt to settle their native title claim through mediation. Lodged in 1997, the Gunai/Kurnai native title claim is the largest in Victoria. Albert Mullett a Gunai council of elders member said that the Yorta Yorta case has had an impact on their claim and showed them that they would have to be a bit smarter and try a different approach. He said, "If we go through the courts there will be no win at the end for either party, just

the lawyers. We would prefer to sit down and talk about it." *Gippsland Times and Maffra Spectator*, 31 December 2002. Gurnai/Kurnai claim: VC97/4, VG6007/98.

South Australia

The Yunkuntjatjara people have had their native title land claim rejected by the Federal Court. The native title claim was lodged in 1994 and covered 1,800 sq km over the De Rose Hill Station, more than 1,000 km north-west of Adelaide. The Yankuntjatjara people's application was for rights to possess, occupy, use and enjoy the land and its waters and to maintain and protect places of significance. Justice Maurice O'Loughlin said that the Aboriginal people who had lived on the property had scattered to the four winds and no longer visited for traditional ceremonies. Justice O'Loughlin said that the group lacked a continuing relation-

ship with the land. Executive officer for the ALRM Parry Aguis said that the connection was felt in the hearts, minds and spirits of the Aboriginal people who would continue to practice their beliefs. *The Age* and *The Advertiser (Adelaide)*, 2 November 2002. Yankuntjatjara claim: SC94/2, SG6001/96.

The decision to reject the claim for native title by the Federal Court over the De Rose Hill cattle station in South Australia is to be appealed by the Yankuntjatjara People. Aboriginal Legal Rights Movement (ALRM) executive officer Parry Aguis says that the Yankuntjatjara people believe that the Court did not recognise Aboriginal cultures. *ABC News Online*, 25 November 2002. Yankuntjatjara claim: SC94/2, SG6001/96.

APPLICATIONS

The National Native Title Tribunal posts summaries of registration test decisions at www.nntt.gov.au. The following decisions are listed for November/December. 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 applicants 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.

NTP 4440 Tennant Creek	DC02/29		Accepted
	D6030/02	Kalkadoon People #2	QC02/34
	Accepted		Q6032/02
The Wiradjuri People #2	NC02/10		Accepted
	N6015/2002	Cubbitch Barta People	NC02/12
	Accepted		N6017/2002
Newcastle Waters #2	DC02/32		Not Accepted
	D6033/02	Mithaka People	QC02/35
	Accepted		Q6033/02
Dulcie Ranges	DC02/33		Accepted
	D6034/02		