

NATIVE TITLE IN THE NEWS

National

Mining companies are calling on the Federal Government to increase funding for native title applications. The underfunding of Native Title Representative Bodies (NTRB) are creating lengthy backlogs and force companies to fund claimants so they can negotiate. Submissions by the mining companies to the Federal Parliamentary inquiry into NTRB's represent a shift in thinking from eight years ago, when mining companies suggested the government decrease the level of financial assistance. *Australian Financial Review*, pg 3. 14-Feb-05.

New South Wales

The Yuwaalaraay people from the Lightning Ridge area are completing the final stages of their Indigenous Land Use Agreement (ILUA). The claim stretches from Angledool to the Collarenebri Road and from the western side of Narran Lake to the Big Warrambool. The agreement will not preclude mining in the region, although cultural and sacred sites will be protected in the interim. *Black Opal Advocate*, pg 5. 09-Feb-05. Yuwaalaraay people.

Barkandji Aboriginal claimant Dorothy Lawson is preparing to seek compensatory payments from the NSW Government following the extinguishment of native title rights at Lake Victoria. Mrs Lawson has opted to take this action following the loss of appeal against a decision by the Federal Court in November 2003. *Mildura Independent Star*, pg 1. 23-Jan-05. Barkandji people.

Northern Territory

A Northern Territory Government spokesperson has said the government is well on its way to establishing the nation's most advanced national parks system. So far there

have been 27 agreements reached with traditional owners over parks and reserves. Special legislation will be introduced in February 2005, allowing the traditional owners time to consider their position. *Koori Mail*, pg 6. 12-Jan-05.

The Federal Court has recognised the Yolngu people's native title rights and interests over the land and waters claimed in the Blue Mud Bay region in Northern Territory's east Arnhem Land region. The claim originally lodged in November 2002, is 1,489 sq km in size and is located 50 km north-west of Groote Eylandt. *NNTT Media Release*. 08-Feb-05. Blue Mud Bay No. 2.

The Koongarra Group has agreed to talk with French uranium mining company AREVA in relation to mining in the Kakadu region. Northern Land Council's Chief Executive Norman Fry said the traditional owners would view their proposal and then decide within the year whether or not to allow AREVA to open a mine three kilometres east of Nourlangie Rock. *Sydney Morning Herald*, pg 7. 17-Feb-05. Koongarra people.

Uranium miner, Energy Resources of Australia (ERA) have signed an agreement with the Mirarr people which will allow them to further explore the Jabiluka mine lease in the Kakadu. The Mirarr people will however have the right to veto any future mining in the area. The agreement comes three years after it was mooted. *Toowoomba Chronicle*, pg 15. 26-Feb-05. Mirarr people.

Queensland

An industrial estate in Hughenden is underway with one block of land already sold and a number of others in the pipeline for sale. The land in question was transferred into freehold land after Flinders Shire Council signed an

ILUA with the Yirandali native title group in early 2003. In December 2003, 35 hectares of land to the west of Hughenden was also sold in an attempt to boost development in the region. The area is located between the Flinders Highway and the cattle saleyards with block sizes ranging from 1800sq metres to 10,000 sq metres. Two hectares of the land will also be transferred to the Yirandali people as part of the agreement. *North-West Star*, pg 5. 12-Jan-05. Yirandali native title group. QC00/9; Q6008/00.

The Kombumerri people have opposed the construction of a 5m wide 550m long walkway along the dunes adjacent to Main Beach, Gold Coast saying it is culturally offensive. The Kombumerri people who are traditional owners of a portion of the land have written to the city council asking that it stop the project. The group have said they are prepared to take the issue to the Federal Court using customary custodianship laws to stop its construction. *Weekend Gold Coast Bulletin*, pg 9. 15-Jan-05. Kombumerri people.

Bruce Little and Dale Leslie Brown recently appeared at the Bundaberg Magistrates Court for a summary hearing. Both men are charged with illegally harpooning a dugong at Woodgate Beach on 08 July last year. Dalungbara Elder John Dalungdalee-Jones, in support of Mr Little and Mr Brown, has stated that both men have the right to hunt dugong under native title legislation. *News Mail*, pg 2. 20-Jan-05.

Dr Eve Fesl, spokeswoman for the Gubbi Gubbi people recently had her application to discontinue her claim granted by the Federal Court. Dr Fesl moved to strike out her claim due to concerns she was not properly authorised according to traditional consensus decision-making, to act on behalf of the Gubbi Gubbi people. The Federal Court also refused a motion by other Gubbi Gubbi members to replace her as the recognised applicant. *Sunshine Coast Daily*, pg 5. 24-Feb-

05. Gubbi Gubbi people. QC99/35, Q6034/99.

The North Queensland Land Council (NQLC) is lobbying the Federal Government for a license to allow Indigenous people to hunt and export native plants and animals from traditional lands. NQLC spokesperson Terry O'Shane, said that Indigenous people should be given the opportunity to monitor wildlife numbers and be allowed to play a role in the management of pests, such as the cane toad. *Cooktown Local News*, pg 5. 02-Feb-05.

Queensland Conservation Council coordinator Toby Hutcheon has denounced calls by Terry O'Shane, Chairman of the North Queensland Land Council, to allow Indigenous people to harvest endangered Australian species and sell them to private overseas collectors. Hutcheon argued that the proposal may be detrimental to Australia's international reputation as a leader on conservation issues. Mr O'Shane said the animals and plants would be harvested in native title areas, national parks and where Indigenous people had an Indigenous Land Use Agreement (ILUA), with the monies injected into struggling Indigenous communities. *Bendigo Advertiser*, pg 12. 11-Jan-05.

South Australia

More than 200 South Australian pastoral leaseholders have been sent information packs about the process of developing an Indigenous Land Use Agreement (ILUA). The information pack took three years to produce through joint efforts from the South Australian Government, farmers, other industries and Indigenous Groups and demonstrates the advantages of agreement rather than litigation through the court system. *Border Watch*, pg 17. 14-Jan-05.

The South Australian Native Title Representative Body, the Aboriginal Legal Rights

Movement - Native Title Unit (ALRM NTU), are reaching results due to a new model they have introduced. Introduced five years ago, this process of negotiation follows the same manner of negotiations as laid out in Indigenous Land Use Agreement (ILUA) negotiations. Executive Officer Parry Agius, has said the process builds structure and allows Aboriginal people to sit at the negotiation table to discuss matters pertinent to them. *Koori Mail*, pg 7/*Independent weekly*, pg 6. 09-Feb-05.

Victoria

The new Victorian State Planning Minister, Rob Hulls, has expressed concern about the Glenelg Shire Council's permit for subdivision of an eight-lot block with regard to the Gunditjmarra native title claim, ahead of his visit to the region. Mr Hulls will visit the site of the major development dispute between the Council, landowners, Heritage Victoria and local Indigenous group and discuss the claim with all involved. *Portland Observer*, pg 1. 09-Feb-05. Gunditjmarra native title claim. VC99/7; VID6004/98.

A historic meeting of 21 Victorian Indigenous groups took place in Melbourne to call on the State Government to quicken the process of native title claims. The Indigenous groups united to demonstrate to the government that they were tired of delays in relation to the recognition of their native title rights and interests. There are currently 11 rural claims in Victoria pending, with the majority of them having been before the Federal Court for approximately six years. *Age*, pg 6. 17-Feb-05.

Maldon Museum and Archives are required to go through the native title process before they are allowed to build the Aunty Jack Museum. The new museum will house Maldon's collection of agricultural machinery including the large old Aunty Jack steam engine. Project leader Roger Palmer was surprised at hearing this as he thought all native title issues were resolved early last year. Mr Palmer

hopes the facility will be completed by the end of the year. *Tarrangower Times*, pg 5. 18-Feb-05.

The long running Gunditjmarra native title claim could be nearing an outcome according to Victoria's native title representative body. Native Title Services Victoria CEO Chris Marshall said negotiations between the Gunditjmarra claimants and the State Government might be finalised before the hearing date scheduled for (29 March to 01 April). The claim covers approximately 109,000 hectares of Crown land across seven municipalities in Victoria and South Australia. It extends from the South Australian border to Shaw River in the east and the Grampians National Park in the States north. *Hamilton Spectator*, pg 17. 19-Feb-05. Gunditjmarra people. VC99/7; VID6004/98.

Western Australia

City of Swan councillors have agreed to negotiate an agreement which will allow the City of Swan to consult with the South West Aboriginal Land and Sea Council regarding the Noongar peoples combined native title claim in the South West of Western Australia. *Midland Reporter*, pg 9. 11-Jan-05. Noongar People Native Title Claim. WC03/6; W6006/03. WC03/7; W6012/03.

The Yungngora people near Fitzroy Crossing have come a step closer to recognition of their native title rights and interests, with the Western Australian Government announcing support for the native title agreement. The claim is 1811 sq kilometres in size, located west of Fitzroy Crossing and covers the Noonkanbah pastoral lease. Parties to the agreement will include the Shire of Derby West Kimberley, Diamond Rose and the Kimberley Land Council on behalf of the Yungngora people. *Kimberley Times*, pg 3. 13-Jan-05. Yungngora claim.

Carol Martin, Labor MP for the Kimberley has mentioned there may be resistance from traditional owners if a canal project proposed by Western Australia's Opposition Leader Colin Barnett is given the go-ahead. Ms Martin has said the Indigenous communities had not been consulted about the Liberal State Government promise to build a \$2 billion, 3700 km canal to channel water from the Fitzroy River to Perth, and that the project made a mockery of native title provisions. Mr Barnett stated that the canal is the only realistic solution to Western Australia's sparse water supply. *The Australian*, pg 7. 09-Feb-05.

The Kimberley Land Council (KLC) is opposed to the West Australian Opposition Leader's plan to build a canal from the Fitzroy River to Perth. Executive Director Wayne Bergmann said that the Indigenous communities needed to be consulted in relation to any future development. West Australian Premier Dr Geoff Gallop said that examination of the implications of a project needed to be completed and a tender process needed to take place. National Native Title Tribunal Deputy President Fred Chaney stated the canal plan had major native title and heritage implications, and that communities along the route would need to be consulted. *Koori Mail*, pg 6. 09-Feb-05.

The Karajarri people, native title holders over thousands of sq kilometres in the Kimberley, have said they will oppose Colin Barnett's plan to build a water canal through Western Australia, if he wins office. The Karajarri people were awarded exclusive possession over an area south of Broome in September 2004. There are around 20 claim groups in Western Australia that the proposed canal will affect. *Western Australian*, pg 7. 22-Feb-05. Karajarri people.

The Western Australian Government recently announced that the largest native title settlement in the nation's history had been reached. Involving 188,000sq km of land in the State's central desert region, Deputy Premier Eric Ripper and the Ngaanyatjarra Council finalised the agreement which included the settlement of six simultaneous applications. The claim stretches from the Gibson Desert nature Reserve to the South Australian border. It recognises exclusive possession native title over most of the claim area, including special leases, reserves held in trust for the use and benefit of Aboriginal people and unallocated crown land. Non-exclusive possession native title is recognised over the Warburton Range Stock Route. *Murri Views*, pg 18. N.D Feb-05. Ngaanyatjarra claims.

APPLICATIONS LODGED

The National Native Title Tribunal posts summaries on their website of applications that are lodged with them, www.nntt.gov.au. The following lodgements were listed for January/February 2005.

Claimant Applications

Date Filed	Application Name	State/Territory	Tribunal File No.	Federal Court File No.
06/01/05	Western Yalanji #7	QLD	QC05/1	QUD3/05
14/01/05	Bindurma People	WA	WC05/1	WAD8/05
01/02/05	South West Glen Helen	NT	DC05/1	NTD2/05