

CJ French, '[Perspectives on Court Annexed Alternative Dispute Resolution](#)', Law Council of Australia – Multi-Door Symposium, Canberra, 27 July 2009.

E Gerrard, 'Victorian native title settlement framework', *Australian Resources and Energy Law Journal*, vol.28, no.2, 2009, pp 140-145.

E Gerrard, 'A new beginning? Victoria's native title settlement framework', *Indigenous Law Bulletin*, vol.7, no.13, 2009, pp 16-20.

S Jackson and J Altman, 'Indigenous rights and water policy: perspectives from tropical northern Australia', *Australian Indigenous Law Review*, vol.13, no.1, 2008, pp 27-48.

M McLoughlin and M Sinclair, 'Wild rivers, conservation and Indigenous rights: an impossible balance?', *Indigenous Law Bulletin*, vol.7, no.13, 2009, pp 3-6.

K O'Bryan, 'Issues in natural resource management: inland water resources: implications of native title and the future of Indigenous control and management of inland waters', *E Law: Murdoch University Electronic Journal of Law*, vol.14, no.2, 2007, pp.280-327.

Native title in the News

National

16-Sep-09 AU Laws aim to speed native title claims Native title claims are expected to be processed more efficiently under new laws passed by Federal Government. The amendments to the *Native Title Act 1993* give the Federal Court the power to manage the mediation of claims. The Court will be able to more forcefully pull into line reluctant parties if a matter becomes deadlocked. *Northern Territory News*, (Darwin NT, 16 September 2009), 6. *Cairns Post*, (Cairns QLD, 15 September 2009), 10.

New South Wales

03-Sep-09 NSW Githabul divided over use of native title land After fighting to stop the Repco Rally,

Githabul custodian Doug Williams will now perform a welcome ceremony at the event's launch. Mr Williams said that there is no official agreement in existence between the rally organisers and the Githabul people for the use of the land which is subject to a native title claim. *Northern Star*, (Lismore NSW, 3 September 2009), 5. *Daily News Tweed Heads*, (Tweed Heads NSW, 1 September 2009), 2.

05-Sep-09 NSW Mines get the all clear Barrick's Cowl Gold Mine has successfully appealed a New South Wales Land and Environment Court decision which had prevented the mine from being extended and modifications to its operations. Wiradjuri Elder and CEO of the Wiradjuri Condobolin Corporation Percy Knight welcomed the appeal court ruling. He said that their native title agreement with the Cowl Gold Mine is delivering real benefits to the Wiradjuri community. *Forbes Advocate*, (Forbes NSW, 5 September 2009), 3. *Daily Advertiser*, (Wagga Wagga NSW, 4 September 2009), 1. *Daily Advertiser*, (Wagga Wagga NSW, 10 October 2009), 28.

01-Oct-09 NSW Native title delays SA's Four Mile mine Australia's fifth uranium mine has been delayed because of a hitch in a native title agreement. The scheduled commissioning has been delayed until April next year or beyond. Primary Industry Resources SA (PIRSA) has requested more information about the native title agreement covering the mine area, about 550km north of Adelaide. *National Indigenous Times*, (Malua Bay NSW, 1 October 2009), 12.

28-Oct-09 NSW Native title agreement Dirk Hartog Island, the site of the first recorded European landing on Australian soil, will become a national park after a native title agreement was struck between local Indigenous communities and the West Australian Government. Environment Minister Donna Faragher said yesterday that making almost the entire 63,000ha of island into a national park would allow the Malgana people to engage in its ongoing management and conservation. *Newcastle Herald*, (Newcastle NSW, 28 October 2009), 20. *Courier Mail*, (Brisbane QLD, 28 October 2009), 18. *Age*, (Melbourne VIC, 28 October 2009), 10. *Advertiser*, (Adelaide, 28 October 2009), 24. *Bendigo Advertiser*, (Bendigo VIC, 28 October 2009), 15. *Kalgoorlie Miner*, (Kalgoorlie WA, 28 October 2009), 4.

Northern Territory

30-Oct-09 NT New Indigenous housing deals The State Government is negotiating 40-years leases with Indigenous land holders to improve the roll-out of the Commonwealth's Indigenous housing program. The

delivery of remote housing is faced with many issues and complexities ranging from native title to infrastructure. The Indigenous Land and Infrastructure Program Office had been set up to facilitate the delivery of 1114 new or refurbished houses in disadvantage communities over the next nine years. *Courier Mail*, (Brisbane QLD, 30 October 2009), 23. *National Indigenous Times*, (Malua Bay NSW, 29 October 2009), 7.

Queensland

01-Sep-09 QLD Elder angry her people left out of dam talks The Gubbi Gubbi Aboriginal people have criticised the State Government's handling of pay-outs and preliminary work for the proposed \$1.5 billion Traveston Crossing Dam near Gympie. The community has accused the Government of disenfranchising their people by bypassing certain parts of the native title process. *Courier Mail*, (Brisbane QLD, 1 September 2009), 18.

23-Oct-09 QLD Native title win on Cape The Kowanyama community has become the third Aboriginal group to get a native title determination in Cape York this year. Justice Andrew Greenwood of the Federal Court recognised the Kowanyama People's exclusive native title rights to 2518sq km of land, about 460km north west of Cairns. The Kowanyama people will also be recognised as holding non-exclusive rights over 213sq km of sea, beach and tidal areas. *Cairns Post*, (Cairns QLD, 23 October 2009), 10. *Courier Mail*, (Brisbane QLD, 23 October 2009), 5. *Australia*, (AU, 22 October 2009), 8. *Cooktown Local News*, (Cooktown QLD, 29 October 2009), 7. *National Indigenous Times*, (Malua Bay NSW, 29 October 2009), 9.

South Australia

25-Sep-09 SA Uranium mine facing delays Australia's fifth uranium mine has been delayed because of a problem with a native title agreement. Primary Industry Resources SA (PIRSA) has called for more information about a native title agreement of about 550 km covering the mine area north of Adelaide. The alliance resource and joint venture partner Quasar has been unable to meet the statutory registration requirement, which would allow the Minister to grant a mining lease. *Independent Weekly*, (Adelaide, 25 September 2009), 24. *Northern Territory News*, (Darwin NT, 23 September 2009), 20. *North West Star*, (Mount Isa QLD, 23 September 2009), 12. *Australian*, (National AU, 22 September 2009), 20. *Advertiser*, (Adelaide SA, 22 September 2009), 37.

Victoria

05-Sep-09 VIC Lack of funding slows native title resolutions Victorian Deputy Premier Rob Hulls said Victorian efforts to establish a new framework to resolve a backlog of native title claims was being hampered. He voiced his view that the Federal Government is turning its back on native title. The Federal Attorney-General's Department, however, is blaming the economic crisis. *Hamilton Spectator*, (Hamilton VIC, 5 September 2009), 13.

26-Sep-09 VIC Boort on title talk agenda A native title claim on land in the Boort region will be one of the first in Victoria to test new State Government legislation. The Dja Dja Wurrung Land Aboriginal Corporation collectively resolved at a recent meeting to formally engage with State Government regarding the claim. Under the Victorian Native Title Settlement Framework announced in June, traditional owner groups can choose to negotiate directly with the State to settle their native title claim rather than go through the courts. *Bendigo Advertiser*, (Bendigo VIC, 26 September 2009), 9.

Western Australia

02-Sep-09 WA Rio in row over land-use deal Rio Tinto's plan on widening its Pilbara iron-ore operations might be stalled due to issues with native title holders from the Ngarluma Aboriginal Corporation (NAC). Paul Hates, Chief Executive at NAC stated that Rio has breached its initial agreement by not paying money owing, despite stating that upfront payment would be made. *Summaries - Australian Financial Review*, (National AU, 2 September 2009), 5.

12-Sep-09 WA GLSC urges govts to try settlement The Goldfields Land and Sea Council is urging State and Federal Governments to consider redirecting funds from native title litigation processes to settling claims by agreement. The comments came after the State Government expressed its disappointment at a Federal Government decision to withhold a new native title funding agreement that would underline a cost-sharing arrangement for broader, more flexible native title settlements. *Kalgoorlie Miner*, (Kalgoorlie WA, 12 September 2009), 13.

16-Sep-09 WA Atlas signs native title mining agreement Mining company Atlas Iron has recently signed an important native title mining agreement with the Pilbara's Kariyarra people. The agreement will enable iron ore mining to proceed over the Kariyarra claim area covering approximately 17 052 square kilometres of land

and sea. Atlas Managing Director David Flanagan said it was a great result and that the company looked forward to working with the Kariyarra people for many years to come. *North West Telegraph*, (South Hedland WA, 16 September 2009), 16. *Mining Chronicle*, (National AU, October 2009), 10.

23-Sep-09 WA Native title claim resolved out of court

The Barnett Government is on the verge of reaching an agreement with Aboriginal groups over large areas of Western Australia's south, a month after dropping a High Court appeal against a successful native title claim in and around Broome. Indigenous land groups praised the Barnett Government for their new cooperative approach. They noted that the Government appeared more focused on negotiated outcomes rather than long court battles. *Australian*, (National AU, 23 September 2009), 9.

21-Oct-09 WA Pilbara anger at High Court dismissal of native title appeal

A recent decision by the High Court of Australia to dismiss an appeal by Pilbara traditional owners against mining company Fortescue Metals Group (FMG) has been criticised by native title representatives. According to native title representative body Yamatji Marlpa Aboriginal Corporation the decision could potentially disenfranchise thousands of Indigenous people across the nation. The appeal was put forward in anticipation of an FMG mining application, encompassing 4320 hectares in the west Pilbara. *North West Telegraph*, (South Hedland WA, 21 October 2009), 16. *Barrier Daily truth*, (Broken Hill NSW, 16 October 2009), 7. *National Indigenous Times*, (Malua Bay NSW, 29 October 2009), 7.

Oct-09 WA Native title approval paves the way for junior explorer

WA-based Hemisphere Resources was

given the green light for its Yandigoogina South iron project in early October following lengthy, but ultimately successful, native title negotiations. Following the approval, Hemisphere Resources would proceed with implementing drilling programs at Yandigoogina South as soon as the relevant permits were granted. *Australian Mining Review*, (AU, 2009).

