

Native Title in the News May 2008

Date	State	Subject	Summary	Source
01-May-08	WA	Aborigines to talk on Browse	Kimberley Land Council (KLC) Chief executive Wayne Bergman has said that 'resource companies had not yet come to terms with the role of traditional indigenous owners when it came to developing the area'. The Western Australian Government has 'given the KLC an undisclosed grant to assist the consultation process with traditional owners regarding the proposal for a liquefied natural gas processing hub in Browse Basin'. Mr Bergman said that 'in our discussions with resource companies, our focus is building economic partnerships that give us greater control and responsibility'.	<i>Financial Review</i> (National, 1 May 2008), 12; <i>Age</i> (Melbourne, 1 May 2008), 5.
01-May-08	WA	Noongar outcome shows native title gridlock: Calma	Aboriginal and Torres Strait Human Rights Commissioner Tom Calma has said that the Noongar decision shows that 'the native title system is in gridlock'. The 'matter is still unresolved because the court did not go so far as to rule native title no longer existed over Perth. Instead it referred the question back to a Federal Court Judge for another hearing'. Mr Calma said 'I am concerned that the courts are denying how societies and cultures evolve and instead choosing to stick to narrow, unnecessarily legalistic interpretations'.	<i>National Indigenous Times</i> (National, 1 May 2008), 4; 'Neither a loss or a win: Kelly' <i>National Indigenous Times</i> (1 May 2008), 4; 'State's appeal insulting: Hart' <i>National Indigenous Times</i> (National, 1 May 2008, 5); 'No benefit for WA govt over title appeals, academic says' <i>National Indigenous Times</i> (National, 1 May 2008), 5; 'Native title claim 'back to square one' <i>Lawyers Weekly</i> (National, 2 May 2008), 1.

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02-May-08	WA	Cultural rock trip	More than 20 staff from the Yamatji Land and Sea Council travelled from Geraldton to Perth to Mt Augustus to learn about Indigenous diversity in a workshop 'designed to enhance the knowledge and skills of staff'.	<i>Geraldton Guardian</i> (Geraldton, 2 May 2008), 16.
02-May-08	WA	Dig helps understanding of local anthropology	A search of archaeological remains including Indigenous groups and environmentalists has contributed to a 'cultural assessment to provide a better understanding of where the Noongar people lived and how they used the land and water'. The study was welcomed by Noongar project director Wayne Webb.	<i>Albany Weekend Extra</i> (Albany, 2 May 2008), 12.
02-May-08	NATIONAL	Step refugee appeals racket, says former judge	Former Federal Court judge Rodney Madgwick has said that 'native title does not work well and requires a total rethink'.	<i>Financial Review</i> (National, 2 May 2008), 57.
03-May-08	QLD	MP hits out at Bligh	Member for Gympie, David Gibson has said that 'it is sad and ironic that in the year of the historic Federal Government's apology to Aboriginal people, the Bligh State Labor government is..taking legal actions to strike out the Gubbi Gubbi people's Native Title Claim'.	<i>Gympie Times</i> (Gympie, 3 May 2008), 5.
06-May-08	SA	Whyalla harbour interest sought	Premier Mike Rann has said that native title and environmental issues will be considered in the assessment process before developing a new export harbour near Whyalla.	<i>Advertiser</i> (Adelaide, 6 May 2008), 33.
06-May-08	NT	ALP adviser to head Northern Land Council	Kim Hill is expected to be confirmed as the chief executive of the Northern Land Council. Mr Hill was appointed by the NLC executive to fill the role after Norma Fry resigned after the Federal Election. According to Mr Hill, 'the NLC must evolve from representing traditional owners in land claims and native title to the improvement of Aboriginal lives'.	<i>Australian</i> (National, 6 May 2008), 7.

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06-May-08	ACT	ACT 'wrong' on native title law	Native Title Barrister George Villafore said that the 'ACT government is acting outside the law in releasing greenfields land for new developments'. However, the government says that the claim of the Dean Bell group was never formally registered and that the Applicants did not have the right to negotiate under the Native Title Act.	<i>Canberra Times</i> (Canberra, 6 May 2008), 3.
07-May-08	QLD	Hot development in geothermal energy	KUTh Energy is 'negotiating native title rights for geothermal exploration at two Far Northern sites' at Jackin Creek and Eveleigh. Queensland Mines and Energy Minister Geoff Wilson said that 'there had been an amount of uncertainty with some explorers in the application of the Commonwealth Native Title Act'.	<i>Cairns Post</i> (Cairns, 7 May 2008), 33.
07-May-08	VIC	Restoration to breath life into wetlands	The restoration of Lake Condah, which is in the 'heart of Gunditjmara country' is expected to be completed by the end of 2008.	<i>Warrnambool Standard</i> (Warrnambool, 7 May 2008), 8.
07-May-08	QLD	Titles test delay on bridge	A native title assessment will need to be finalised before a bridge providing access to Nerang can be completed.	<i>Gold Coast Sun</i> (Gold Coast, 7 May 2008), 23.
09-May-08	NATIONAL	UN holds NY forum on Indigenous rights	Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner and Race Commissioner of the Human Rights and Equal Opportunity Commission has been representing Australia as the New York forum. Mr Calma has also recently tabled two reports relating to indigenous rights including the Native Title Report.	<i>Lawyers Weekly</i> (National, 9 May 2008), 6.
10-May-08	NT	Gas plant location squabble	The Larrakia Development Corporation has 'authority over Aboriginal land at Middle Arm' and has backed the 'development of a \$12 billion Inpex gas plant at the Darwin Harbour site'. However the Larrakia Nation has said that it 'opposed the industrialisation of Middle Arm'.	<i>Northern Territory News</i> (Darwin, 10 May 2008), 5.

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10-May-08	QLD	University honours Mabo	The James Cook University has named a library after Eddie Koiki Mabo who began a 'legal battle which eventually overturned a legal view that underpinned the crown's claim to Australian land.' The <i>Mabo</i> decision led to the enactment of the <i>Native Title Act 1996</i> (Cth).	<i>West Australian</i> (Perth, 10 May 2008), 54; 'JCU honour for Mabo' <i>Townsville Bulletin</i> (Townsville, 10 May 2008), 38; 'Library naming honour for Mabo' <i>Ballarat Courier</i> (Ballarat, 10 May 2008), 22; 'Mabo to be honoured' <i>Border Mail</i> (Albury Wodonga, 10 May 2008), 26; 'From little things big things grow' <i>Australian</i> (National, 21 May 2008), 1; 'A fitting tribute' <i>Australian</i> (National, 22 May 2008), 15.
10-May-08	SA	Ancient document gives land rights, Aborigines say	The Kokatha Mula people are planning to 'take 172 year old document to the British Parliament as part of a bid to have their rights recognised'. A letter of patent from 1836 outlines the 'rights of 'natives' and their descendents to enjoy their lands'.	<i>Launceston Examiner</i> (Launceston, 10 May 2008), 19.
12-May-08	NATIONAL	Mining body seeks curb on third-party access	The Minerals Council of Australia has said that the government needs to stop third parties from having access to infrastructure facilities. according to the MCA, the 'solution to many of [the problems] lies in better federal-state co-operation, the elimination of duplicative and contradictory regulatory processes, institutions and intellectual capacity building the increased efficiency and operability of the native title system and more appropriate competition policy settings'.	<i>Australian</i> (National, 12 May 2008), 31.

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13-May-08	QLD	Cold comfort over native title and hot rock energy	The Federal Government is 'unwilling to declare a time frame for a controversial decision on whether exploring for hot rock alternative energy supplies is exempt from native title laws'. Some industry groups argue that the 'right to negotiate' process in federal native title laws does not apply to geothermal energy'.	<i>Courier Mail</i> (Brisbane, 13 May 2008), 66.
14-May-08	NT	Decision on Alice mine expected late July	The Central Land Council has said that it will 'support whatever decision traditional owners make about a potential uranium mine'. The uranium deposits are on the Owen Springs pastoral lease and is a native title issue. According to Central Land Council Director David Ross, 'native title holders have no right to refuse an exploration license under the Native Title Act which they would under the Aboriginal Land Rights Act'. However, they can lodge an objection application.	<i>Northern Territory News</i> (Darwin, 14 May 2008), 26.
14-May-08	QLD	State legislates to use Far North Land	The Queensland Parliament has passed new laws to build essential infrastructure such as schools, hospitals and police stations. The new laws will affect about 32 Indigenous communities. The reforms to the 'Land Act 1994 and Aboriginal and Torres Strait Islander Land Act' have been called 'historic' by the Minister for Natural resources and Water Craig Wallace. Mr Wallace said that the reforms to land tenure will fix issues with infrastructure and housing on the communities. Noel Pearson has argued that this will leave indigenous people in 'poverty shadows'.	<i>Gympie Times</i> (Gympie, 14 May 2008), 6; <i>Northern Star</i> (Lismore, 14 May 2008), 25; <i>Queensland Times</i> (Ipswich, 14 May 2008), 17; 'Indigenous rights leaders heal rift' <i>Australian</i> (National, 14 May 2008), 19; <i>Morning Bulletin</i> (Rockhampton, 14 May 2008), 18; <i>Daily Mercury</i> (Mackay, 14 May 2008), 12; <i>Chronicle</i> (Toowoomba, 14 May 2008), 16; 'Indigenous land boost' <i>Cairns</i>

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				<i>Post</i> (Cairns, 17 May 2008), 26; 'Late changes to indigenous land laws' <i>Cooktown Local News</i> (Cooktown, 21 May 2008), 5.
14-May-08	QLD	Leaders attack Irwin's crusade to block mine	Leaders from the Cape York have attacked Terri Irwin's move to 'stop a mine going ahead' on a former cattle station that was acquired from the Irwin's. The mining company Cape Alumina has been negotiating with Aboriginal land councils and traditional owners about mining adjacent properties. However according to the traditional owners, 'the way the Irwin's acquired the property has locked them out of their traditional lands. Traditional owners say handing over the land to the Irwins robbed them of control over mining rights, cattle and conservation'.	<i>Australian</i> (National, 14 May 2008), 19; Terri aims to be warrior woman' <i>Courier Mail</i> (Brisbane, 17 May 2008), 18.
15-May-08	WA	Inpex looks east	Browse Basin gas developer Inpex has been considering Darwin as a potential site. A spokesperson for the company said that it had not abandoned the Maret Islands proposal. Local governments and business groups had backed the proposal. The 'Kimberley Land Council [had given] conditional support as it believes the development could have benefits for the region's Aboriginal population'.	<i>Kimberley Echo</i> (Kununarra, 15 May 2008), 1.
15-May-08	QLD	East meets west during agreement	Representatives from the Western Cape Communities Trust from Queensland made a four-day-vist to the East Kimberley Gelganyem Trust. The trust was established as a part of an Indigenous Land Use Agreement between Argyle Diamond Mines and the local Indigenous population. The Western Cape Communities Trust was established as a part of an ILUA between Comalco and communities in the Cape York area.	<i>Kimberley Echo</i> (Kununarra, 15 May 2008), 9.

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15-May-08	VIC	New lakeside trail follows tradition	A trail to honour Lakeside's traditional landowners has been launched. The Winjeel Trail will recognise the Bunurong people as a part of the Lakeside project.	<i>Pakenham News</i> (Melbourne, 15 May 2008), 3; 'Estate gets historic trail' <i>Pakenham Journal</i> (Melbourne, 19 May 2008), 3.
15-May-08	SA	Record land agreements	There have been 24 Indigenous Land Use Agreements signed in the Gawler Ranges by claimants from the Barngarla and Kokotha peoples, pastoralists and the Attorney General's departments. Each ILUA 'lays out arrangements for access to pastoral leases, protection of Aboriginal culture, protection and use of pastoral infrastructure, a mutual understanding of rights and interests and a consultation process to deal with any future issues'.	<i>West Coast Sentinel</i> (Ceduna, 15 May 2008), 3; 'Claims resolved' <i>Stock Journal (SA)</i> (Rural, 15 May 2008), 3.
16-May-08	NT	NT has the power to buy native title land	In a 5-2 decision of the High Court, it was held that the Northern Territory Government has the power to acquire land even where it is found that native title rights and interests exist. The High Court held that the 'potential limitations on the Territory's statutory power to acquire land had not been removed by the legislation. The majority said that 'the Lands Acquisition Act provided that "all non native title rights and interests" could be extinguished once conditions designed to avoid racial discrimination were met. Also the words "for any purpose" had replaced "for a public purpose" meaning that freehold land could be granted without having to be for the benefit of a particular community or public purpose. The Northern Territory Supreme Court had found that the original acquisition was invalid and the decision was later reversed on appeal. The claim was later brought to the High Court by Alan Griffith and William Gulwin on behalf of the Ngaliwurru and Nungali peoples.	<i>Australian</i> (National, 16 May 2008), 6; 'High Court gives land acquisition green light' <i>Northern Territory News</i> (Darwin, 16 May 2008), 2; 'Native Title ruling' <i>Northern Daily Leader</i> (Tamworth, 16 May 2008), 9.

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17-May-08	NATIONAL	Tribunal at centre of storm over fair deals	Ciaran O'Faircheallaigh from Griffith University has 'argued that the lot of Aboriginal people has not improved during the mining boom, in part because the National Native Title Tribunal is 'biased' in favour of companies'. Traditional owners and mining companies usually reach agreements for dealings over the lands through the future act process. However, the six month limit on negotiations means that the tribunal can arbitrate once the negotiation period has passed. Mr O'Faircheallaigh argues that 'this situation places mining companies in a position of undue power because they have little to fear from delaying negotiations...a situation which inherently disadvantages claimants'.	<i>Age</i> (Melbourne, 17 May 2008), 4.
17-May-08	WA	Argyle closing Aboriginal Gap	The Human Rights and Equal Opportunity Commission has said that the agreement between Argyle and Traditional owners is a 'tangible embodiment of practical reconciliation'. There have been two trusts established under the agreement one to 'fund community development education, training, customary law, governance and a capital base for future generations and the second administers annual payments to families and helps them develop annual expenditure plans'.	<i>Age</i> (Melbourne, 17 May 2008), 4.
19-May-08	QLD	Native Title Tribal Split	Jim Hagan, has been told that he is no longer Kullili by the legal body set up under the Native Title Act. Mr Hagan had chaired the Kullili Traditional Owners Committee and has represented the group internationally. However, he was recently told by Queensland South Native Title Services that he was not a part of the group and 'was refused entry into a meeting last week ratified by Kullili claimants'.	<i>Courier Mail</i> (Brisbane, 19 May 2008), 14; 'Hagans are ready to fight claim' <i>Chronicle</i> (Toowoomba, 20 May 2008), 10.

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19-May-08	QLD	Mine money increased	New changes to the Aboriginal Land Act will 'give traditional owners direct access' with 'trustees of land transferred under the Aboriginal Land Act...receiv[ing] more realties from mining companies'. Minister for Natural Resources and Water Craig Wallace said that the 'first \$100 000 of any royalty payments received by the state would go totally to indigenous trustees of the affected land' rather than the Department of Natural Resources and Water.	<i>Cairns Post</i> (Cairns, 19 May 2008), 4.
21-May-08	WA	Doris Takes Over	Njamal traditional owners Doris Eaton is the new chairperson of Pilbara Native Title Service. Mrs Eaton is the first woman to chair the executive committee.	<i>Pilbara News</i> (Pilbara, 21 May 2008), 9.
21-May-08	NT	Island towns first to sign long-term lease	Groote Eylandt Communities are the first to sign regional partnership agreements that will see the 'federal and Northern Territory governments...provide \$25 million' to the community as a 'part of the regional agreement to go towards new houses, housing maintenance, policing, health, indigenous employment and economic development'.	<i>Australian</i> (National, 21 May 2008), 6; <i>Age</i> (Melbourne, 21 May 2008), 11; 'Aboriginal leases' <i>Cairns Post</i> (Cairns, 21 May 2008), 16.
22-May-08	WA	Native Title Hurdle	The native title status of Broome has been 'called into question with Walman Yawuru lodging a notice of motion that could halt further development until key native title determinations are made'. The notice comes after the recent Federal Court decision reaffirming that the Yawuru people hold native title rights and interests over Broome.	<i>Broome Advertiser</i> (Broome, 22 May 2008), 4.
22-May-08	NT	Royalties threat to lift Tiwi Schooling	Traditional owners at Melville and Bathurst Islands could 'lose their royalty payments' for failing to send their children to school under a new scheme by the local land council.	<i>Australian</i> (National, 22 May 2008), 6.

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22-May-08	NATIONAL	Mining money must close gap	Minister for Indigenous Affairs Jenny Macklin has said that 'Native title is critical to economic development'. Ms Macklin argues that 'while economic development for Aborigines and Torres Strait Islanders is complex and challenging, there is no doubt that properly structured property rights to land are a key component in expanding economic and commercial opportunities'.	<i>Australian</i> (National, 22 May 2008), 14; 'Macklin's message: use hard won rights' <i>Australian</i> (National, 22 May 2008), 6; 'Indigenous poverty unmoved by mining boom' <i>Australian</i> (National, 8 May 2009), 8; 'Miners told to deal better hand from resources boom' <i>Sydney Morning Herald</i> (Sydney, 28 May 2008), 6.
22-May-08	QLD	Leader won land battle	Wujal Wujal Elder Eileen Walker has passed away. She was a part of the 15 year battle of the Eastern Kuku Yalanji people to achieve recognition.	<i>Courier Mail</i> (Brisbane, 22 May 2008), 76.
22-May-08	NATIONAL	Labor to overhaul native title	Indigenous Affairs Minister Jenny Macklin has said that 'native title legislation was too complex and had failed to deliver money to remote Aboriginal communities despite lucrative agreements with mining companies'. Ms Macklin said that changes to native title should be used as a part of the Federal Government's close the gap campaign and wanted 'direct payments to individuals minimised in favour of payments that create benefits for the whole community'.	<i>Australian</i> (National, 22 May 2008), 1; 'Native Title Changes Focus on Economics' <i>Age</i> (Melbourne, 22 May 2008), 10; 'Time for a hard look at native title' <i>Northern Territory News</i> (Darwin, 22 May 2008), 3; 'An economic vision: native title reform offers communities a fresh start' <i>Australian</i>

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				(National, 23 May 2008), 15.
23-May-08	QLD	Cardwell land title	A native title claim over Cardwell will be settled with the Federal Court delivering a consent determination in the town 200km south of Cairns. The determination will decide whether the Girramay people 'are granted ownership of 12 parcels of unallocated state land and reserve land in the Murray Upper'.	<i>Cairns Post</i> (Cairns, 23 May 2008), 8.
24-May-08	NT	Elder places faith and future in court	Tibby Quall, a Danggalaba man is 'fighting the full might of the Government to be recognised as the native title holder of a vast area of Darwin'. Mr Quall said: 'the Government can compulsorily acquire any land they want, so I couldn't stop their developments even if I wanted to. My case is about fighting for Aboriginal identity'.	<i>Sydney Morning Herald</i> (Sydney, 24 May 2008), 13; 'Native title claim over harbour' <i>Northern Territory News</i> (Darwin, 28 May 2008), 6.
24-May-08	NT	NLC apology to wronged lawyer	Wali Waunungmurra, Chairman of the Northern Land Council has apologised to lawyer Ron Levy after the council had reviewed allegations of bullying alleged by a female anthropologist.	<i>Weekend Australian</i> (National, 24 May 2008), 6.
27-May-08	QLD	Native title delay	'A FEDERAL Court ruling in the coastal town of Cardwell, 200km south of Cairns, on native title rights over state and federal land has been deferred.'	<i>Cairns Post</i> (Cairns, 27 May 2008), 7.

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28-May-08	VIC	Dodson says ties to land can be proven out of court	Indigenous academic Mick Dodson 'told a Minerals Council conference in Canberra yesterday that the 'connection requirements' to land that must be proved in the Federal Court under native title legislation could be 'considerably less onerous' under the 'an alternative native title settlement framework being negotiated with the State Government.'	<i>Age</i> (Melbourne, 28 May 2008), 6.
28-May-08	NATIONAL	Tribunal overrun	According to recent Senate estimates the National Native Title Tribunal expects to have work for the next 30 years. Acting tribunal registrar Franklin Gaffney said '135 applications had been determined in 15 years.' The estimate 'was based on the time it was expected to clear the backlog as well as consider new claims, now arriving at the rate of 20 to 40 a year.'	<i>Townsville Bulletin</i> (Townsville, 28 May 2008), ; 'Tribunal workload' <i>Launceston Examiner</i> (28 May 2008), 10.
28-May-2008	QLD	Nerang van park bridge could open in months	A bridge providing access to Nerang park will be built after a native title assessment.	<i>Gold Coast Sun</i> (Gold Coast 28 May 2008), 10.