

## Native Title in the News - June 2012

Date	State	Subject / Title	Summary	Source
23/05/2012	VIC	<b>No funding in Victorian State Budget for native title holders to assess development applications</b>	The Victorian State Budget did not allocate any funding for Victoria's Native Title prescribed body corporates to resource the decision-making processes by Native Title holders when dealing with future acts including exploratory mining proposals. This could lead to industry, government organisations and community groups having to pay an additional \$20,000 to have land development proposals considered by recognised native title groups.	<i>National Indigenous Times</i> (New South Wales, 23 May 2012), 10.
30/05/2012	QLD	<b>Hope Vale traditional owner displeased with Court's ruling in favor of Congress of Clans</b>	A Hope Vale traditional owner has criticised a ruling by the Queensland Supreme Court to grant 110,000 ha of land and \$6 million in mining royalties to the Congress of Clans, an organisation which claims to represent 12 traditional owner groups in the region. Phillip Baru, of the Dingaal people and a traditional owner of the land, raised various concerns including governance issues inflicting the Congress of Clans.	<i>National Indigenous Times</i> (New South Wales, 30 May 2012), 16.
31/05/2012	SA	<b>Environmental protest planned at Alberry Springs</b>	Friends of the Earth have planned a week-long event protesting uranium mining to be held at Alberry Springs on the Oodnadatta Track, north of Roxby Downs. President of the prescribed body corporate for the Arabana people is not happy that the organisers have not sought permission from the traditional owners. These developments are taking place in light of the Arabana people's recent registration of their native title claim over areas within the Lake Eyre region.	<i>Roxby Downs Sun</i> (South Australia, 31 May 2012), 2. <i>Port Augusta Transcontinental</i> (South Australia, 30 May 2012), 3.
01/06/2012	AU	<b>20<sup>th</sup> Anniversary of the Mabo decision</b>	On 3 June 2012, Bonita Mabo, Greg McIntyre SC and around 200 people marched along The Strand in Townsville to mark the 20 <sup>th</sup> Anniversary of the <i>Mabo</i> judgment. Since the High Court's landmark decision in 1992, which overturned the fiction of <i>terra nullius</i> , there have been 141 native title determinations, covering 16% of the nation. Julia Gillard described the <i>Mabo</i> decision as 'a judgment of the High Court at its finest' and the Minister for Indigenous Affairs, Jenny Macklin, labeled it a turning point for reconciliation. Bonita Mabo and Ellen Jose have called for 3 June to be declared a national public holiday.	<a href="#"><i>ABC News</i></a> (1 June 2012), <a href="#"><i>The Australian</i></a> (1 June 2012), <a href="#"><i>Canberra Times</i></a> (2 June 2012), <a href="#"><i>Sydney Morning Herald</i></a> (Sydney, 2 June 2012), 1, <a href="#"><i>The West Australian</i></a> (3 June 2012), <a href="#"><i>Townsville Bulletin</i></a> (4 June 2012)

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01/06/2012	AU	<b>Calls for native title reform</b>	Concerns have been raised about the complexity and cost of the native title system and large number of unresolved native title claims. Further, many argue that native title has caused significant rifts within Indigenous communities with different individuals holding competing views. The need to set up a corporation to oversee the registered native title rights has proved highly burdensome in light of little available resources.	<i>Australian Financial Review</i> (Australia, 2 June 2012), 50, <i>Sky News</i> (3 June 2012), <i>The West Australian</i> (12 June 2012).
01/06/2012	NSW	<b>Ashton open-cut pit</b>	On 28 May 2012, the Wonnarua People lodged a native title application in relation to 60 ha of land near Camberwell in the Hunter Valley. The NSW Government assessment commission began reassessing Yancoal's proposal for an \$83 million expansion of its Ashton open-cut pit on 31 May 2012.	<i>The Singleton Argus</i> (1 June 2012)
01/06/2012	NT	<b>Kakadu National Park</b>	The Northern Land Council ('NLC') has agreed for 1,200 ha of land containing rich reserves of uranium to be incorporated into Kakadu National Park. The land was previously earmarked for mining, but following a request from traditional owner Jeffrey Lee to the Federal Government, the NLC and land trust are due to enter an agreement with National Parks in relation to the land.	<i>ABC Darwin</i> (1 June 2012)
01/06/2012	NT	<b>Muckaty nuclear waste dump</b>	More than 150 protestors have rallied against the decision to construct a nuclear waste dump at Muckaty Station, 120 km north of Tennant Creek. In 2007, the Northern Land Council ('NLC') gave its support for the proposal which was pivotal to the Federal Government's decision. Traditional owners have raised concerns about the lack of consultation by the Government and NLC. The matter is currently subject to litigation in the Federal Court. Legal commentators say the Muckaty case has the potential to determine the extent of the fiduciary duty that the Federal Government owes to Aboriginal people in order to honour their land rights.	<i>Centralian Advocate</i> (Northern Territory, 29 May 2012), 8, <i>Tennant and District Times</i> (Tennant Creek NT, 1 June 2012) 1, <i>National Indigenous Times</i> (NSW, 20 June 2012), 25.

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02/06/2012	AU	<b>Review of native title organisations</b>	Indigenous Affairs Minister Jenny Macklin ordered a review of the native title regime, outlining changes to allow Aboriginal people to reap more economic development opportunities from the benefits flowing from agreements. Minister Macklin highlighted that the review will examine the role and functions of native title representative bodies and native title service providers to ensure that they meet the needs of native title holders after claims have been resolved.	<i>Weekend Australian</i> (Australia, 2 June 2012), 5. <i>The Age</i> (Victoria, 2 June 2012), 6.
02/06/2012	NSW	<b>Gomeri and Ngemba native title claims</b>	More than half of NSW is under native title claim since two applications became registered by the National Native Title Tribunal. The Gomeri and Ngemba people's claims cover more than 206,000 km <sup>2</sup> , including highly valuable mining and pastoral land. The Gomeri people's application, originally filed in December 2011, was accepted for registration in January 2012. Anthropologist Ken Lum and his team compiled 60,000 genealogies of Gomeri people for the claim, which produced the finding that old kinship patterns live on with strength similar to those witnessed in the top half of Australia. The NSW Farmers Association has urged landholders impacted by the Gomeri people native title claim to get involved in the process through becoming a respondent to the claim.	<i>The Sydney Morning Herald</i> (New South Wales, 2 June 2012), 1. <i>The Sydney Morning Herald</i> (New South Wales, 2 June 2012), 5, <a href="#"><i>ABC News</i></a> (18 June 2012).
02/06/2012	NSW	<b>Walcha Shire Council</b>	The Walcha Shire Council has agreed to become party to a native title application, filed by the Gomeri people in 2011 for a large area of land covering Tamworth, Moree and a small portion of the Walcha local government area. Not all land within the boundary is claimed and the application excludes freehold land, residential leases and exclusive pastoral and agricultural leases.	<a href="#"><i>The North Daily Leader</i></a> (2 June 2012)
02/06/2012	QLD	<b>Wakka Wakka native title claim</b>	The Wakka Wakka people have made a native title claim for 27,000 km <sup>2</sup> of land in southern Queensland, which could potentially affect pastoral leases. A claim was lodged in the late 1990s, subsequently withdrawn and re-lodged in response to new anthropological reports.	<a href="#"><i>Canberra Times</i></a> (2 June 2012), <a href="#"><i>ABC News</i></a> (1 June 2012), <i>Gympie Times</i> (Gympie, QLD, 2 June 2012, 8).

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02/06/2012	WA	<b>20 year wait continues for Goldfields-Esperance claim</b>	No claim within the Goldfields-Esperance region has been successful. Elders within the area are tired of the native title process and the difficulty involved in proving a claim. The Wongutha claim for 160,000sqm in the Northern Goldfields was thrown out in 2007. Elders involved in this process argue that reforms need to be introduced so that the <i>Mabo</i> decision can become a reality 20 years after it taking place.	<i>Kalgoorlie Miner</i> (Kalgoorlie, Western Australia), 6.
05/06/2012	AU	<b>Indigenous Business Australia</b>	At the National Native Title Conference in Townsville, Indigenous Business Australia announced that it will help native title groups to pursue economic development opportunities. The organisation has established a taskforce to assist two groups in Victoria and one group in Western Australia.	<a href="#"><i>Yahoo News</i></a> (5 June 2012)
05/06/2012	QLD	<b>Cape York Peninsula</b>	UNESCO delivered a damning report on 2 June 2012 on the threat of mining to the Great Barrier Reef. Cape York contains rich deposits of bauxite and seven new mines have been proposed in the area. The Federal Government is supporting moves to have the Cape York Peninsula nominated as a World Heritage site by February 2013 and has undertaken to consult with traditional owners to get their consent to the nomination.	<a href="#"><i>ABC Kimberley</i></a> (5 June 2012)
06/06/2012	QLD (TSI)	<b>TSRA calls on the QLD government to finalise ILUA</b>	The Torres Strait Regional Authority ('TSRA') has called on the Queensland Government to finalise an Indigenous land use agreement ('ILUA') to speed up approvals for housing and infrastructure developments in the Torres Strait region. The TSRA put a model ILUA to the Queensland Government in 2010, for use on all Islands where the Federal Court has recognised that native title exists.	<i>Torres News</i> (Thursday Island Qld, 6 June 2012) 2
06/06/2012	AU	<b>Indigenous rights over water</b>	Chief Executive of the National Native Title Council, Bryan Wyatt, told the National Native Title Conference in Townsville of the importance of recognising the rights of Indigenous people to water. He described water rights as one of the greatest challenges in Australia and called for an Aboriginal water allocation in all future water plans.	<i>National Indigenous Times</i> (Malua Bay NSW, 6 June 2012) 17

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06/06/2012	NT	<b>Roper Bara Iron Ore project</b>	Mining operations are expected to start in 2013 at Western Desert Resources' Roper Bara iron-ore mining project in the NT, after a mining agreement was signed with the Northern Land Council and native title holders. The NT government gave major project status to the project, which has the potential to produce 24Mt of iron ore over an eight year period.	<i>Arafura Times</i> (Nhulunbuy NT, 6 June 2012) 17, <i>Koori Mail</i> (Lismore, 13 June 2012), 12.
06/06/2012	SA	<b>Wilpena Resort</b>	Native title holders, the Adnyamathanha people, have bought the multimillion dollar Wilpena Pound resort in a joint venture with Indigenous Business Australia. Community leader Vince Coulthard says it will allow tourists to experience his people's culture, as well as the beautiful landscape of the Flinders Ranges. He also hopes that the venture will create more jobs for Aboriginal people in the region.	<a href="#"><u>ABC News</u></a> (6 June 2012)
06/06/2012	NSW	<b>Wiradjuri native title claim proposed</b>	According to Wiradjuri academic Yalmambirra, amendments to the native title system may pave the way for the formal recognition of traditional Wiradjuri country. In his view, the current law has served to divide people and should be changed to make it easier to prove ongoing connection to country. Yalmambirra has cited the difficulties in proving an ongoing connection to land, as was demonstrated in the <i>Yorta Yorta</i> decision, as well as political in-fighting and uncertainties about the exact location of Wiradjuri boundaries.	<a href="#"><u>ABC Indigenous</u></a> (6 June 2012)

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06/06/2012	AU	<b>Changes to native title law</b>	<p>The Attorney-General Nicola Roxon has flagged changes to streamline the native title process. Minister Roxon announced reforms in four areas and a review of groups' resources following a native title determination. Under the proposed changes, future taxes on compensation payments will be removed, there will be new access to parks and reserves and provisions to facilitate good faith negotiation. The Government considers it too difficult to achieve parliamentary support on reversing the burden of proof and has pushed instead for 'incremental change' to the native title system. The Attorney-General, Nicola Roxon, has described Opposition claims that native title reform will affect property prices as 'scaremongering' and indicated that wide public consultation will be held on the proposed changes. The Federal Government aims to settle the majority of native title claims within 20 years.</p>	<p><a href="#"><u>ABC News</u></a> (4 June 2012), <a href="#"><u>The Sydney Morning Herald</u></a> (6 June 2012), <a href="#"><u>The Australian</u></a> (Australia, 7 June 2012) 10, <a href="#"><u>The Australian</u></a> (Australia, 8 June 2012) 2, <a href="#"><u>National Indigenous Times</u></a> (Malua Bay NSW, 13 June 2012) 29</p>
07/06/2012	AU	<b>Mixed reactions to proposed native title changes</b>	<ul style="list-style-type: none"> <li>• Many Indigenous leaders expressed broad support for the changes, but were disappointed it does not include reversing the burden of proof.</li> <li>• Independent MP Rob Oakeshott, former Prime Minister Paul Keating and High Court Chief Justice Robert French also voiced support for a reversal of the burden of proof.</li> <li>• Chief Executive of the National Native Title Council said the changes do not go far enough.</li> <li>• The Minerals Council of Australia has welcomed legislative changes to the native title system and said that it will enhance the operation of the <i>Native Title Act</i>, without diminishing Indigenous rights.</li> <li>• The National Farmers' Federation has sought a guarantee that the setting aside of historical extinguishment will not extend to pastoral leases and has suggested that codification of good faith negotiation is unnecessary, as landholders have worked hard over the years to build up trust and cooperate with claimants.</li> <li>• The Pastoralists and Graziers Association has called on</li> </ul>	<p><a href="#"><u>ABC News</u></a> (6 June 2012), <a href="#"><u>Ballarat Courier</u></a> (Ballarat Victoria, 7 June 2012) 8, <a href="#"><u>Border News</u></a> (Moree NSW, 11 June 2012) 4, <a href="#"><u>Country Leader</u></a> (Tamworth NSW, 11 June 2012) 4, <a href="#"><u>Northern Daily Leader</u></a> (Tamworth NSW, 7 June 2012) 9, <a href="#"><u>The Australian</u></a> (Australia, 7 June 2012) 10, <a href="#"><u>Torres News</u></a> (Thursday Island, 27 June 2012), 10.</p>



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			<p>the Federal Government to consult more with groups that are likely to be affected by possible native title changes. It also warned that any proposed changes may not increase the efficiency of the system but rather slow it down.</p> <ul style="list-style-type: none"> <li>• Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Gooda, has welcomed the proposed changes to good faith negotiation requirements, stating that this will strengthen procedural safeguards for native title parties.</li> <li>• Northern Queensland Land Council has stated that layers of government are playing political football with native title. They argue that the system has not delivered real native title and that reform needs to be pursued to deliver greater economic benefits.</li> <li>• Lawyers have suggested that although legislative reform is welcome, it will have little effect on the vast majority of cases or the backlog of unresolved claims.</li> </ul>	
07/06/2012	VIC	<b>Robinvale Aboriginal Community withdraws claim</b>	<p>At the end of June, the Robinvale Aboriginal Community will withdraw its native title claim after 16 years. This follows anthropological and legal research completed for Native Title Services Victoria, which found that the application was unlikely to succeed. Native Title Services Victoria has defended the length of time taken to resolve the claim.</p>	<p><i><a href="#">ABC Indigenous</a></i> (7 June 2012), <i><a href="#">ABC Indigenous</a></i> (8 June 2012)</p>
07/06/2012	WA	<b>Wiluna Project</b>	<p>In early June, the Environmental Protection Authority backed Toro Energy's proposal to develop Western Australia's first uranium mine, the Wiluna project. Local Indigenous elders and NGOs have criticised the community consultation process, alleging that a community information day was held on the same day as the funeral of a prominent Indigenous elder. Vanessa Guthrie, the executive general manager of the Wiluna project, says that the company began the consultation process in 2009 and has always followed the instructions of Central Desert Native Title Services.</p>	<p><i>Business News</i> (Perth WA, 7 June 2012) 29</p>

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07/06/2012	AU	<b>Government to review lawyers' fees, consultants and indigenous organisations</b>	The Federal Government is set to make changes to the native title respondent funding scheme and cut payments for lawyers representing pastoralists and fishing groups. The proposed changes come amid concerns about the slow resolution of native title claims and that some lawyers are refusing to sign off on native title deals, until companies agree to pay their legal fees.	<i>Australian Financial Review</i> (Australia, 2 June 2012), 3, <i>North Queensland Register</i> (Townsville Qld, 7 June 2012) 9
08/06/2012	AU	<b>Bob Katter proposes native title deeds</b>	Independent MP Bob Katter has stated that he will introduce legislation to allow local governments and native title holders to issue title deeds. He says that this proposal would encourage Aboriginal property ownership and stimulate economic development, by providing the opportunity to borrow money to build homes, buy equipment and livestock. Under the proposal, people granted title deeds would be able to sell their property to community residents, but not to outsiders.	<i>The Age</i> (8 June 2012), <i>National Indigenous Times</i>
15/06/2012	WA	<b>Kimberley gas hub</b>	On 14 June 2012, the Goolarabooloo and Jabirr Jabirr People withdrew an application in the Federal Court to separate their land claim in relation to the proposed James Price Point gas hub. A week earlier, the Western Australian Government and Woodside advised the claimants that separation of their land claim would breach an earlier agreement, could stall delivery of more than \$1 billion in benefits and trigger the compulsory acquisition mechanism. There have been claims that the government has threatened to deal exclusively with whichever group will support the \$35 billion gas hub proposal.	<i>The West Australian</i> (13 June 2012), <i>ABC Kimberley</i> (15 June 2012), <i>Sydney Morning Herald</i> (15 June 2012), <i>National Indigenous Times</i> (NSW, 20 June 2012), 4.
13/06/2012	WA	<b>Concerns about Western Australia's Heritage Protection laws</b>	Yamatji Marlpa Aboriginal Corporation has expressed concerns about Western Australia's heritage protection laws. It argues that the Act provides insufficient protection for Aboriginal heritage and needs to be significantly improved. It has dismissed recent proposals as being watered down and heavily influenced by the mining industry.	<i>Koori Mail</i> (Lismore, 13 June 2012)



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13/06/2012	QLD	<b>Post-determination struggles for the Jabalbina Prescribed Body Corporate</b>	In 2007, the Federal Court granted the Eastern Kuku Yalanji people exclusive and non-exclusive native title rights over land in far north Queensland. However, representatives of the Jabalbina Prescribed Body Corporate have drawn attention to the challenges in making simple planning decisions and engaging in economic development on the land, due to resource constraints and restrictions in Indigenous land use agreements.	<i>National Indigenous Times</i> (Malua Bay NSW, 13 June 2012) 16
15/06/2012	QLD	<b>Gliderport development</b>	The Mt Isa Council intends to proceed with development of the Gliderport, to create affordable housing for residents in Mt Isa. The Council says it remains committed to a cultural management plan, agreed to with the Kalkadoon people, as part of an Indigenous land use agreement. The management plan requires consultation with the Kalkadoon people on things of cultural significance in the area.	<i>North West Star</i> (Mt Isa Qld, 15 June 2012) 3
20/06/2012	WA	<b>YMAC completes native title agreement</b>	Strata Minerals Inc entered into a native title heritage agreement with the Yamatji Marlpa Aboriginal Corporation, which will allow the WA government to grant two exploration tenements in relation to the Cardabia Phosphate Project near Exmouth. The parties will conduct a joint site survey to identify Aboriginal sites of significance, which will be protected during the exploration process.	<i>Indigenous Peoples: Issues and Resources</i> (20 June 2012)
20/06/2012	QLD	<b>Queensland to outlaw dugong hunting</b>	Following an investigation into the hunting of turtles and dugongs, the Queensland Fisheries Minister, John McVeigh, has introduced legislation to outlaw any unreasonable pain being inflicted during hunting. This will impact on, but not extinguish, the native title rights of traditional owners to hunt and fish in determination areas.	<i>ABC News</i> (20 June 2012)
22/06/2012	QLD	<b>Gunggari native title claim</b>	In a consent determination on 22 June 2012, the Federal Court recognised the Gunggari People's non-exclusive native title rights over 118,449 ha in the Balonne, Murweh and Maranoa Shire Council areas. The determination is the first recognition of native title rights in mainland southern Queensland. The native title application was first made in 1996 and subsequently revised to a smaller area. As part of	<i>The Age</i> (22 June 2012), <i>Illawarra Mercury</i> (Wollongong NSW, 23 June 2012) 20, <i>Western Star</i> (Roma, 26 June 2012), 6, <i>Warrego Watchman</i> (Cunnamulla,

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			the settlement, the Gunggari People negotiated seven Indigenous land use agreements. According to Queensland South Native Title Services Chief Executive, Kevin Smith, the case is a landmark decision, as it demonstrates that despite settlements in the area, Aboriginal people can still hold significant, ongoing connections to the land.	21 June 2012), 3.
22/06/2012	AU	<b>National Native Title Tribunal</b>	The Federal Government's decision to divest the Native Title Tribunal of its dispute resolution role and hand this responsibility to the Federal Court may result in around 30 Tribunal employees losing their jobs.	<i>The Australian</i> (Australia, 22 June 2012) 34.
27/06/2012	NT	<b>Native title rights of the Mudburra and Jingili people recognised</b>	In a ceremonial sitting on 27 June 2012, the Federal Court granted the Mudburra and Jingili people native title rights over 30,000 km <sup>2</sup> of land in central Australia, north of Tennant Creek and south of Katherine. Existing pastoralists will be able to continue their operations, but will have to consult with the traditional owners on some matters. The decision is one of Australia's largest native title claims.	<a href="#"><i>The Australian</i></a> (27 June 2012)
28/06/2012	NT	<b>Wayne Bergmann calls for radical changes to the native title system</b>	Speaking at the National Press Club, Kimberley Aboriginal leader Wayne Bergmann called for radical changes to the native title system, to reduce dependency on government funding and welfare payments. He dismissed proposed legislative reform as mere 'tinkering' and urged the Federal Government to consider giving Indigenous people greater control and rights over land and sea to pursue their economic development.	<a href="#"><i>Brisbane Times</i></a> (28 June 2012), <a href="#"><i>The Sydney Morning Herald</i></a> (28 June 2012)
28/06/2012	QLD	<b>Confusion clouds Dunkeld native title determination</b>	Following inaccurate media reports, landholders whose properties surround the impacted areas of the Gungarri people's native title claim over 118,000 ha surrounding Dunkeld were left uncertain over which properties were actually included in the native title area.	<i>Queensland Country Life</i> (Brisbane, 28 June 2012), 18.
27/6/2012	QLD	<b>Mabo Day celebrated on Badu Island</b>	More than 400 community members celebrated Mabo Day on Badu Island with the unveiling of a 20th Anniversary Memorial Plaque for Mabo Day from the Torres Strait Island Regional Council.	<i>Torres News</i> (Thursday Island, 27 June 2012), 14.