

August 2005

Native title agreement to be registered

The native title agreement over Saltwater will be registered shortly after years of negotiations between Elders and various agencies. The agreement is currently being advertised. Native title agreement advertised.

Alice Springs News 31-Aug-05, pg 26.
NC95/4 NSD6013/98; NC95/5; NSD6014/98.
Case Manger: Dianne Drake

Indigenous Centre opens at Roebourne

A \$1.4 million cultural precinct centre has opened in Roebourne. It is a project of the Ngarluma Yindjibarndi Foundation, formed as part of a native title agreement with mining company Woodside.

Alice Springs News 31-Aug-05, pg 14
WC99/14 WAD6017/96
Case Manager: Sharon Reynolds

ALRA(NSW) claim lodged over 43 lots in the Collina Stage 10 development in East Griffith.

A claim has been lodged by NSWALC over 43 lots in the Collina Stage 10 development in East Griffith. It will not affect the 39 lots already sold. NSWALC lodged the claim after becoming aware that the land, which was previously a dedicated reserve, had become available under the terms of the Land Rights Act.

Alice Springs News 30-Aug-05, pg 23

Business to win in red-tape reform

The Federal Government is conducting a "stock take" of all it's laws and regulations including native title laws to repeal unnecessary red tape and address a "regulatory blow out" that is costing business billions of dollars a year and constraining economic growth.

Alice Springs News 29-Aug-05, pg 6; 01-Sep-05 *Alice Springs News*, pg 19

Historic property to enter into Pastoral Indigenous Land Use Agreement.

After 18 months of negotiations, the Faraway Hill sheep station has become the subject of an ILUA between the McBride Pastoral Company and the Ngadjuri traditional owners. The agreement sets out grazing arrangements and Aboriginal Heritage management arrangements.

Alice Springs News 25-Aug-05, pg 20

National Parks transfer to traditional owners

Many of the transfer of National Parks to Indigenous ownership deals remain secret. The Ward and Davenport Ranges decisions have raised questions as to why the government is prepared to hand National Parks to traditional owners who could probably only claim limited native title rights to these areas.

Alice Springs News 24-Aug-05, pg 8

ILUA at Palm Island.

An ILUA between the Manbarra people and Coolgaree CDEP could see the world's first sea sponge farm owned and operated by Indigenous people open at Palm Island. The ILUA ensures that the sponge farm, if developed, will respect the cultural heritage values of the traditional owners.

Alice Springs News 24-Aug-05, pg 12

Native title hearing via video link-up

Native title proceedings which recognised more than 25 uninhabited islands, islets and cays in the Torres Strait were made during an historic determination hearing via video link between Queensland Government representatives in Brisbane, claimant representatives in Thursday Island and the Federal Court in Melbourne.

Alice Springs News 24-Aug-05, pg 17; *Alice Springs News* 24-Aug-05, pg 10

Jim Akee argues that the Sea Claim should proceed as a case in the International Court

Jim Akee argues that the Torres Strait Sea Claim should be moved from the Australian to the International Court system as any determination under the will not recognise TSI traditional owners rights to exclude commercial fishers from their waters.

Alice Springs News 24-Aug-05, pg 18
QC01/42 QUD6040/01
Case manager: Gary
Lui

Native title representatives meet in South Australia

The heads of Native Title Representative Bodies met in Adelaide to discuss various native title matters. Among the topics discussed was how the bodies could combine and share resources to promote greater efficiency.

Alice Springs News 24-Aug-05, pg 13

Native title compensation case

A Barkandij woman, Dorothy Lawson, is suing the State of NSW for compensation for the extinguishment of her native title rights in 1922. The case is the result of the Federal Court ruling in the case of Lake Victoria that native title had been extinguished in 1922 when the state of NSW sold the land to South Australia. She argues that the government's failure to advise people at the time that their rights had been extinguished put it in breach of the Aborigines Protection Act

Alice Springs News 21-Aug-05, pg 9

Historic land bill on track

Representatives of the Yuin people, National Parks and Wildlife Service, conservation groups, lawyers and land owners have thrashed out the details of an agreement that will see the deeds of two south coast national parks, Gulaga and Biamanga, handed back to traditional owners. Colin Markham introduced a private members bill 11 years ago proposing the hand back of five national parks. Since retired Mr Marham said "when this legislation was passed it was innovative and groundbreaking and the other states have now followed suit...I am really pleased it is still on track".

Illawarra Mercury 19-Aug-05, pg 12

CQALC accused of denying natural justice by excluded claimant

Jenny Pryor claims that her family should be included in any Bindal native title claim and the Central Queensland Aboriginal Land Council has done insufficient research into the Magnetic Island claim. "My family has been denied natural justice as part of adequate access to or involvement in the research process behind the new claim" said Ms Pryor.

Townsville Bulletin 19-Aug-05, pg 13.
QC99/21 QUD6020/9 Please note that this claim has been struck-out and is no longer active.

Fortescue in court

Niyiyaparli native title claimants filed a Federal Court writ to void their land agreement with Fortescue Metals Group.

The Age 19-Aug-05, pg 4; *Canberra Times* 19-Aug-05 pg 9; *Australian* 19-Aug-05, pg 24; *Courier Mail* 19-Aug-05, pg 36; *Herald Sun* 19-Aug-05, pg 45; *West Australian* 19-Aug-05, pg 48

Ruddock wants native title blackball removed

In a significant change to native title, the Howard government is preparing to override any objections by land councils to enable individual Aborigines to gain housing and commercial leases on community land. National Centre for Indigenous Studies director Mick Dodson said the mooted changes "violate() racial discrimination conventions and just about every other human-rights accord. No other land-owner in the country is required to give you a lease...This is outrageous stuff and it saddens me that the idea has been put to government by blackfellas" i.e. the National Indigenous Council.

Australian Financial Review 19-Aug-05, pg 27

Amendments to State-wide ILUAs promoted by the Local Government Association

District Council has supported advice from SA Minister for Environment & Heritage, Native

Title Unit Rosemary Craddock regarding the need to amend the State-wide Indigenous Land Use Agreements, being promoted by the Local Government Association.

Murray Valley Standard 18-Aug-05, pg 6

FMG signs land agreement

Fortescue Metals Group has announced the signing of a major land access agreement across most of its Chichester Range iron ore project site with the Nyiyaparli native title claimants to the area.

Business News 18-Aug-05, pg 20

Fortescue row leads to court action

Fortescue Metals is suing the Pilbara Native Title Services' legal advisor James Fitzgerald and Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation for defamation after PNTS claimed the key signatories to a native title agreement had not understood the agreement and called on the Australian Stock Exchange and Australian Securities and Investment Commission to investigate the matter. Fortescue director Graeme Rowley said "We are reacting to the PNTS' defamatory statements. The comments are outrageous and we must protect our reputation".

Age, 18-Aug-05 pg ; *West Australian* 18-Aug-05, pg 45; *Sydney Morning Herald*, pg 21(19 Aug 2005)

Elders sign land deal

Descendants of the Lama Lama people arrived at Cooktown for a ceremony handing over almost 1000ha of lands traditionally known as Rindoparr next to the Lakefield National Park in far north Queensland. Lama Lama Elder, Sunlight Bassini said "I am very happy today. Our old people used this land before our time, right up to 50 years ago our people were still there until white people bought the place to run cattle. It's taken a long time to get it back".

Cairns Post 18-Aug-05, pg 10; *Alice Springs News*, 26-Aug-05 pg 15; *Alice Springs News* 31-Aug-05, pg 21

Hearing on quarry site continues.

The Mt Shamrock quarry hearing will continue despite the traditional owners of the site refusing to give consent to disturb it.

Alice Springs News 17-Aug-05, pg 4

Fortescue to pay fee to elders

Fortescue Metals intends to pay the \$320,000 balance of a signing fee to six Nyiyaparli elders under the access agreement signed by the parties. Pilbara Native Title Services said it had instructed FMG not to pay the balance because the agreement should be terminated. Nyiyaparli Elder Raymond Drage said "This is not just about compensation; this is about protecting our country and our heritage". Fortescue director Graeme Rowley said that the 100 page deal negotiated with pins had been whittled down to 5 pages so that the Nyiyaparli signatories could easily understand it while PNTS director Simon Hawkins said that there were significant differences between the two versions, including a provision that any new equity partner would have to honour the agreed payment scheme.

Australian 17-Aug-05, pg 26; *Sydney Morning Herald* 17-Aug-05, pg 27; *North West Telegraph* 17-Aug-05, pg ; *Pilbara News* 17-Aug-05, pg 5

Titles group seeks probe of FMG deal.

Pilbara Native Title Services have appealed to market regulators to investigate the tactics used to secure a land-access agreement with Nyiyaparli native title claimants.

West Australian 17-Aug-05, pg 5; *Age* 17-Aug-05, pg 4; *Warrnambool Standard*, pg 8 (18 Aug 2005)

Native Title decision sets course

The Federal Court has handed down a decision in which it recognised the ownership of the applicants in most of the 1120 sq kms where the government plans to create the Davenport Ranges National Park.

Alice Springs News, 17-Aug-05 pg 3

More claims to follow Torres title success

Torres Strait leaders will fight for exclusive possession of six islands in their region

following the grant of four separate claims over eight uninhabited islands by the Federal Court on the 15/8/05. Torres Strait Regional Authority chairman Toshie Kris said that the court recognition helped strengthen the community's cultural identity. Chief Justice Michael Black made orders recognising the native title rights of the Porumalgal, Masigalgal, Saibai, Dauan, Mabuia, Baldulgal and Iama groups.

Cairns Post, 16-Aug-05 pg 5; *The Age*, 16-Aug-05 pg 6; *Fraser Coast Chronicle*, 16-Aug-05 pg 14; *Gladstone Observer*, 16-Aug-05 pg 10; *Gympie Times* 16-Aug-05, pg 6; *Herald Sun*, 16-Aug-05 pg 23; *Northern Territory News* 16-Aug-05, pg 9; *Queensland Times* 16-Aug-05, pg 12; *Townsville Bulletin* 16-Aug-05, pg 4; *Daily News* 16-Aug-05, pg 5; *North West Star* 16-Aug-05, pg 5; *Daily Examiner* 16-Aug-05, pg 10; *Adelaide Advertiser* 16-Aug-05, pg 24
http://www.nntt.gov.au/ntdetermination/bydate_index.html

Fortescue seek to enforce Pilbara agreement

Fortescue Metals Group would seek to enforce a controversial native title access agreement despite attempts by Indigenous signatories to have the agreement annulled and accusations by Pilbara Native Title Services that FMG's actions had been 'unconscionable'. PNTS executive director Simon Hawkins said "Fortescue's compensation levels are significantly less than the industry standard...I can't say how much we are asking, but their offer is many times less". "We have no quarrel with the Nyiyaparli, just PTNS" said Fortescue's executive director of operations Graham Rowley "Where's the \$80,000 we have given them? If they rejected the agreement they should have handed that money back".

The Australian 16-Aug-05, pg 22; *Australian Financial Review* 16-Aug-05, pg 8

Pilbara traditional owners seek to have native title agreement annulled.

Pilbara Native Title Services have accused the Fortescue Metal's Group of 'unconscionable conduct' over a land access agreement. Nyiyaparli native title claimants have said that the agreement that they signed was not the agreement that they thought they were signing. They approached Pilbara Native Title Services to clarify the meaning of the agreement within

24 hours of signing and now want the agreement torn up.

The Age, 15-Aug-05 pg 3; *Australian Financial Review*, 15-Aug-05 pg 5

Miners and traditional owners sign ILUA

The ILUA between Stellar Resources and the Antakarinja people over land near Cooper Pedy was welcomed as a triumph of cooperation and goodwill by the SA Chamber of Mines and Energy. Negotiations continue with Indigenous groups in the Gawler Ranges and Far West Coast to deliver state-wide coverage.

Independent Weekly, 14-Aug-05, pg 15

Pilbara traditional owners seek to have native title agreement annulled.

Fortescue Metals was left embarrassed when, only hours after it announced the signing of a key native title agreement for its iron ore tenements in the Pilbara, Nyiyaparli native title claimants said that they want the agreement annulled on the basis that they did not have legal representation and that language difficulties meant that the signatories had not been able to give their informed consent to the agreement.

Herald Sun, 13-Aug-05 pg 92. WC99/4 WAD6280/98 Case Manager: Gerry Putland

New gold mine in Lake Cowal NSW region

The Cowal Gold Project have negotiated a native title agreement with the Wirajuri community, including awarding tertiary scholarships and varying mining related apprenticeships and conducting heritage management with the Wirajuri community by recording and collecting artefacts before any digging starts.

Mining Chronicle, 12-Aug-05 pg 48

Yarriambiack farmers not affected by Native Title

Yarriambiack Shire farmers have been assured by the Yarriambiack Shire Council and the NNTT that they won't be affected by the Wotjobaluk Native Title Agreement which

encompasses more than 35,000km of Wimmera territory.

Warracknabeal Herald, 12-Aug-05 pg 3, VC99/8 VID6009/98 & VC99/5 VID6005/99
Case Manager: Ian Campbell-Fraser

Cooperation is key to claims

Native title claims over mining at Jacks Hills took only three months to negotiate due to cooperation between Murchison Metals and Ngoonooru Wadjari and Wajarri elders groups. In principle native title agreement reached.

Geraldton Guardian, 12-Aug-05 pg 4
Ngoonooru WC00/12 WAD6003/98
Wajarri WC01/3 WAD6042/99 Case Manager: Trish Sinclair-Jones. For Future Act Matters in WA contact Angela Murphy or Alan Toogood

Interim decision handed down by Federal Court in relation to Rubibi 1

Justice Merkel has found that native title rights rest with the wider Yawuru community, not with any particular Yawuru clan group and that the Yawuru community is a recognisable group with continuing connection to the land. Interim decision handed down

Broome Advertiser, 11-Aug-05 pg 3, WC04/6 WAD223/04
Case Manager Sandra Barkla

ILUA signed for Faraway Hill.

The agreement signed over historic sheep station, Faraway Hill, is the latest ILUA to be signed as part of a progressive program of agreements being made across the South Australia.

Koori Mail, 10-Aug-05 pg 9

Miners and traditional owners sign ILUA

Stellar Resources, a Melbourne based mining company, have signed an ILUA in relation to multiple tenements in the Antakarinja native title claim area near Cooper Pedy and Arkaroola.

Adelaide Advertiser, 09-Aug-05, pg 40
SI2003/007 Registered & SI2004/003 NTDA
95/7 Case Manager Monica Khouri

Veterans refuse to leave Pandanus Park after government begins negotiations with native title claimants

Vietnam veterans refuse to leave Pandanus Park, Cape York, despite government insistence that they have no right to be there and that traditional owners will be entitled to evict them if the native title claim over the area is successfully negotiated.

Sunday Mail, 07-Aug-05 pg 52

ILUA signed for Faraway Hill

The Ngadjuri people and the McBride Pastoral Company signed an Indigenous Land Use Agreement allowing them to share 45,000hectares of land on the Faraway Hill sheep station in north east SA ALRM Native Title Unit executive officer, Parry Agius said he was delighted that the Ngadjuri people and the McBride family had been able to reach an agreement. "Negotiated agreements offer the best outcomes for all parties, not just the native-title claimants," he said. "They also offer an opportunity to build strong and lasting relationships, which further ensures that the agreements will run properly on the ground." The decision of McBride Pastoral Company and the Aboriginal Legal Rights Movement to negotiate an agreement at Faraway Hill represents a "victory for commonsense" and will avoid years of litigation.

National Indigenous Times, 04-Aug-05 pg 10;
Government of South Australia Media Release (22-Jul-05); Stock Journal, pg 10 SI2005/005
Case Manager: Monica Khouri

ILUA in Victoria

Victoria's first native title agreement is one step closer with the advertising of an Indigenous Land Use Agreement between the Wimmera's Aboriginal community and the state and federal governments. The agreement includes the Wotjobaluk, Jaadwa, Jadawadjali, Wegaia and Jupagult people taking responsibility for unused Crown Land in three areas: about 10 hectares surrounding the Ranch Billabong on the Wimmera River near Dimboola, about 10 hectares at Goruya on the Yarriambiack Creek and about 10 hectares

near Antwerp. The land will revert to freehold status, with the Aboriginal people paying rates on the land to the relevant council.

Wimmera Mail Times, 03-Aug-05 pg 7.
VI2004/008 Case Manager: Chris Loorham
(Vic-Tas Registry) Related Native Title
Determination Applications (NTDA):
VC99/5, VC95/2, VC99/8

National Parks transfer to traditional owners

Agreements to transfer two national parks in the Katherine region to native title have been registered with the Native Title Tribunal. The agreement covers the Flora River National Park (78 sq km) and the Gregory National Park (9804 sq km) along with two hectares of Gregory Tree's Historical Reserve and pockets of land near Humpty Doo. ILUAs registered. DI2004/020 Case Manager: Annie Cowley. This matter appears to have just be lodged with the NNTT.

Katherine Times, 03-Aug-05 pg 3

Sacred sites access agreed

The Northern Territory Government has recently had their appeal over the Davenport Murchison native title claim determination dismissed by the full Federal Court. The appeal involving 1120 sq km of land south-east of Tennant Creek challenged Justice Mansfield's original 2004 decision on 55 separate grounds. The Alyawarr, Kaytetye, Warumungu and Wakay claimant groups were found to hold communal rights over the determination area rather than individual group rights

Northern Territory News, 01-Aug-05 pg 6.
Davenport/Murchison: DC95/3 & D6002/98