

Native Title Newsletter

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WHAT'S NEW WITH THE NTRU!

The **program** for the **Native Title Conference** 6-8 June 2007
Tides of Native Title is now available online:

<http://ntru.aiatsis.gov.au/conf2007/conference2007.html>

For **latest in the native title** go to

http://ntru.aiatsis.gov.au/publications/whats_new.html. You can
also subscribe to receive monthly updates by emailing
ntru@aiatsis.gov.au

The Native Title Newsletter is published every second month. The newsletter includes a summary of native title as reported in the press. Although the summary canvasses media from around Australia, it is not intended to be an exhaustive review of developments. The Native Title Newsletter also includes contributions from people involved in native title research and processes. Views expressed in the contributions are those of the authors and do not necessarily reflect the views of the Australian Institute of Aboriginal and Torres Strait Islander Studies.

CASE NOTE: BLUE MUD BAY

The Blue Mud Bay Appeal Decision

Gumana v Northern Territory of Australia [2007] FCAFC 23

By Eleanor McEvoy

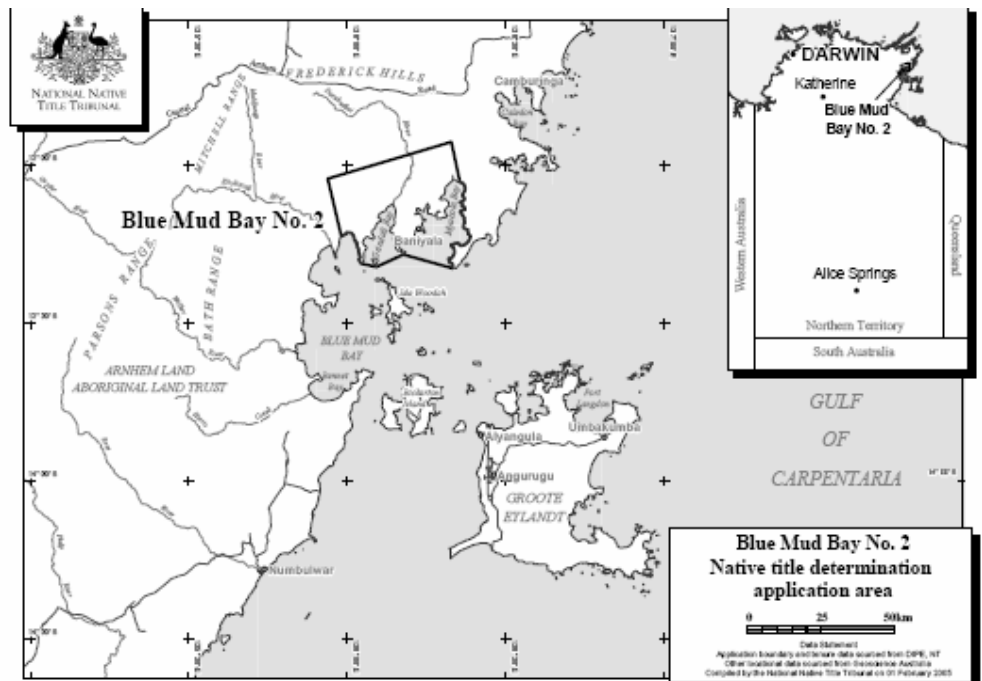
The Blue Mud Bay Appeal was heard during August 2006 with judgment being handed down in March 2007. The appeal arose from the first instance findings of the Federal Court in 2005¹ where the Court found that the Yolngu people of Blue Mud Bay could in no way claim exclusive possession of the inter-tidal waters of their country despite the land, including the land to the low tide mark, having been granted as freehold through the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (Land Rights Act). The first instance judge Justice Selway considered himself bound by the High Court decision in *Yarmirr v Commonwealth*² and therefore declined to exclude anyone from the inter-tidal zone in Blue Mud Bay.

Blue Mud Bay is a small bay on the eastern coast of Arnhem Land and partially consists of a large area of low lying inter-tidal zone (between the high and low water marks). The inter-tidal zone was not considered, in the first decision, to be an area from which the Indigenous owners of the land could exclude people through a Native Title claim. It was decided that the area was subject to the paramount common law rights of fishing and innocent navigation as well as international agreements with regard to navigation.

The Yolngu people of Blue Mud Bay appealed the decision arguing that the first decision was incorrect in relation to the Land Rights Act.

They argued that the Federal Court's Land Rights decision was incorrect:

- because the creation of the Arnhem Land Aboriginal Land Trust included the grant of an estate in fee simple to the low water mark therefore rights could not be granted in the intertidal zone except by the Indigenous owners
- the *Fisheries Act 1988* (NT) (Fisheries Act) was therefore subject to the land grant and the Director of Fisheries (NT) did not have the right to grant any interest in the inter-tidal zone to commercial fishers.



Map of the Blue Mud Bay claim area courtesy of the NNTT

The Commonwealth cross-appealed claiming that the Native Title decision had been incorrectly made due to Selway J allowing for spouses of the Yolngu tribes members being considered as part of the claimant group. They also cross-appealed the decision on the grounds that Native Title should be considered extinguished over any sea-bed because traditionally the common law does not recognise the ability of anyone to own the sea-bed. Both the Northern Territory and the Director of Fisheries (NT) argued that the Land Rights Act was 'qualified by public rights to fish and navigate' therefore the Fisheries Act could validly apply as an extension of the public rights, as the Land Rights Act did not specifically exclude fishing and navigation in the intertidal zone.

¹ *Gumana v Northern Territory of Australia* [2005] FCA 50.

² *Commonwealth v Yarmirr* (2001) 208 CLR 1.



The Land Rights Appeal

The land rights appeal considered the following matters:

- Does the fee simple grant amount to exclusive possession of the inter-tidal zone?
- Does the Fisheries Act (NT) authorise the granting of licences in the inter-tidal zone to commercial fishers?

The Land Rights Act which created the Arnhem Land grant expressly allowed for certain types of access to Indigenous lands specifically regarding roads and any minerals within the grant. There was, however, no mention of public fishing or navigation rights above the low water mark. The court believed it was important to recognise that the owner of a fee simple estate has 'the equivalent of full ownership'³ and therefore confers all the rights of ownership including the right to exclude. They also recognised that 'the foreshore can be made subject of private ownership.'⁴

In conclusion, the court held that 'the Land Rights Act as revealed in its text and context conferred a right to exclude from the intertidal zone including a right to exclude those seeking to exercise a public right to fish or to navigate.'⁵

In handing down its decision on the Land Rights element of the case, the court set aside the first instance decision with regard to the rights of the Director of Fisheries (NT) to grant licences to commercial fishers. The court recognised that the Land Rights Act granted a fee simple estate to the Arnhem Land Trust and therefore no further rights could be granted without permission of the estate holders (the Yolngu people). However, the court refrained from making a decision with regard to the rights of the public to navigate and fish in the intertidal zone of Blue Mud Bay.⁶

The Native Title Decision

- Should Native Title be considered as extinguished in the inter-tidal zone because the common law does not recognise the ability of anyone to hold a right of exclusive possession in the sea?
- Can a spouse be considered a member of the native title claimant group?

- Do the Yolngu people of Blue Mud Bay have a right to control access to the area by other Indigenous people despite exclusive possession not being granted in the Native Title decision?

Initially the court found that while there is no history of the common law recognising native title in the sea or sea-bed 'that limitation does not constitute extinguishment'.⁷ The court stated that extinguishment will only occur where 'it is premised on the existence of a right or an interest'⁸ which exists at common law – extinguishment is not premised on the non-existence of a right. Accordingly, the cross-appeal by the Commonwealth was dismissed.

As to the Commonwealth's other cross-appeal regarding the spouses of appellants being included in the claimant group, the court held, following the decision in *Alyawarr*,⁹ that the claim was communal and therefore it was unnecessary to find a connection between individual spouses and the land or water. The connections exist to the community as a whole.¹⁰

Finally the Commonwealth and Northern Territory both appealed against the finding at first instance contained in paragraph 7(c) of the determination. This paragraph gave the claimants 'the right to make decisions about access to and use and enjoyment of the area by Aboriginal people who recognise themselves as governed by the traditional laws and customs acknowledged and observed by the native title holders'.¹¹ The Court held that Aboriginal people must be considered as 'part of the public, whether they do or do not recognise themselves as governed by the traditional laws and customs [of] the appellants'.¹² The court therefore upheld the cross-appeal and overturned the finding in paragraph 7(c) concluding that the public has the right to fish and navigate in the inter-tidal zone.

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³ *Gumana v Northern Territory of Australia* [2007] FCAFC 23 [83].

⁴ *Ibid* [85].

⁵ *Ibid* [90].

⁶ *Ibid* [104, 105].

⁷ *Ibid* [127].

⁸ *Ibid* [127].

⁹ *Alyawarr v Northern Territory* (2005) 145 FCR 442.

¹⁰ *Gumana v Northern Territory of Australia* [2007] FCAFC 23 [160].

¹¹ *Ibid* p63.

¹² *Ibid* [170].

GUNDITJAMARA CLAIMANT COMMENT

Interview conducted by Jessica Weir with Gunditjmarra Elders Johnny Lovett & Euphemia Day on 30 March 2007 at Mount Eccles National Park South West Victoria, after the Federal Court consent determination which recognised the Gunditjmarra people's native title.

Johnny Lovett:

There was a time frame in which we needed to have the application in. We threw a blanket claim over a whole lot of the state which included other people's boundaries so in actual fact we all had to sit down later on but it was sort of "let's get the bread first and then sort the crumbs out after" and that's what we did do. It was such a long time coming, I at times wondered if it was ever going to eventuate and it caused a lot of friction within communities as well, and then we had the white fellow on the other side of the road singing out "what's native title about?" So we had to contend with that as well but all in all today it's been a really great day.

When I look around and I see kids and adults that have never been here before in the Lake Condah area, in this area here, and this is their traditional country and their parents and grandchildren may have left here a hundred years ago. Today their people are here now and they know that they can walk back here at any time they want to and they can come back into the country that belongs to them and that they are officially recognised by the high courts of this country as belonging to it. That's one hell of a feeling, that's one hell of a feeling.

Euphemia Day: It's just unreal. We always knew this was our place and then for it to take so long for the government, and what we had to go through to fight for the right to be acknowledged that this is our place. And this government has never ever admitted that

there was an invasion in Australia! I mean this place wasn't an empty place we were always here, thousands of years. Johnny and my brother they know the stories and the kids all know the stories later on. But it is just so senseless, like they said today, our Dad came back from the first World War and wasn't allowed to get jobs. They were put on a mission, what I would call today a concentration camp, where they had to ask the manager to go away and get jobs and do all that, and yet they were picked to go to the first and second World Wars, and never been recognised as soldier settlements. The government cut up all their land and gave it to the squatters around our areas.

Johnny Lovett: Three thousand acres were cut up into soldier settlement blocks for returned soldiers and some of them never even fired a shot in anger. They ended up with the country that belonged to us, as farming land and things like that.


I suppose today's main thing is that I can die tomorrow knowing that I've left a legacy for one hell of a lot of people, for the rest of their lives. I am never going to see the amount of people that



Above: Johnny Lovett and Euphemia Day.
Right: Darlot Creek Gunditjmarra Country.



are going to come back and put claim to country, because I won't live that long. But there'll be generations and generations and generations and that's mind blowing.



I think on a more sober note, it also puts local shires and councils on notice that they now have to deal with us as a people. They now have to negotiate with us and come through the proper channels instead of just thinking they can just go and dig this up and dig that up and do whatever they want to do. They now have to negotiate with us at a level that we have to come to an agreement. We have to be involved at last.

Jessica Weir: What was it like putting in a native title claim and coordinating all these negotiations?

Johnny Lovett: It was a little bit hard at times and there were times when you thought that you'd just get up and walk away and not come back to the meetings any more, no more negotiations or nothing, because the frustration of it was so intense at that time. You'd go away and then you'd have a break from that and then you'd come back a few days later and think yeah I'm ready to go again, let's do it, let's start negotiating again. Of course the state governments weren't too easy to deal with either, and you're talking to us who never had a full understanding of how the white system worked legally. All of a sudden we were dealing with Acts from parliament and you don't have to do that everyday. You and I talk about something and then we agree to do it together, we may shake hands and just agree to do it and then we go and do it. But when there are things that you want to do that constitutes an Act that you have to deal with, then it gets a little bit different.

Euphemia Day: When I was growing up on the Lake Condah mission, I was born there and our grandmothers were alive then and you knew about this government that would come and take the kids away and our grandmother if we went walking around

the mission she was always with us and we only had a boundary to go, we weren't allowed to go too far because that fear was still there and they didn't want us to say things either because of the repercussions that could happen to us. On the mission they weren't allowed – you lost your song and dance, the language that was taken away from us, so we weren't allowed to speak our language and the women made baskets and stuff but they had to be copied off the old people. My grandmothers were both in their nineties and I never ever heard them speak any language because they knew the consequences of that action.

So that was just so real and still is so real today of everything we do and for us it's mind blowing sitting in a place like this today, on our ground, on our land, forced by government from us, for them to say "yes this is your land". It's mind blowing.

Johnny Lovett: That in itself, the Federal Court sitting on our land, in this area here.

Euphemia Day: Dad would be amazed at that.

Johnny Lovett: Our elders would not have believed it.

Euphemia Day: They would be shocked. It is just something they would not believe.

Johnny Lovett: It's a big story and I suppose the most simplest terms that I can think of describing it would be to say that at last we have recognition of who we are and what it means to be known as the traditional owners of Gunditjmarra country. I think that's about it, as simple as I can put it.

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NTRU Project Report

Prescribed Body Corporate Project

Project report by Toni Bauman

The NTRU is carrying out a Prescribed Bodies Corporate project over the next two years in partnership with the Minerals Council of Australia, the Office of the Registrar of Aboriginal Corporations and the University of Melbourne. The Project aims to support the growing number of Prescribed Bodies Corporate (PBCs) established after native title determinations to hold and manage native title lands and waters. This will be carried out through



Workshop delegates in Canberra

research, participatory planning and support for capacity-building in a range of governance issues such as decision making and conflict resolution processes and frameworks, strategic planning, economic development and natural resource management.

Many PBCs lack support to carry out Future Act Agreements and other native title business. There are key risks for industry if PBCs are not appropriately resourced. Failure to have functioning and effective PBCs will increase costs and lead to substantial delays in agreement-making for industry.

There are also significant issues for PBCs in relation to changes to Aboriginal corporation rules around training, compliance and the transitional arrangements and implementation processes around the replacement of the *Aboriginal Councils and Associations Act 1976* with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* on 1 July 2007.

PBC National Meeting 11-13 April 2007

The NTRU held the first national meeting of PBCs with 23 participants from a range of PBCs from 11th to 13th April 2007 in Canberra. The meeting provided PBCs with a much needed networking opportunity and a range of critical information.

Representatives of the Attorney-Generals Department and of the Department of Family and Community Services and Indigenous Affairs informed the meeting about recent PBC reform measures and implementation issues including the recommendation that PBCs are to receive support through NTRBs.

Representatives of ORAC provided information about changes to corporation legislation and training. A range of other Government representatives provided information about funding opportunities, programs and training relevant to PBCs.

Feedback from the meeting indicates that participants derived significant benefit from the workshop and the information which was provided. Unfortunately, budgetary limitations and the costs involved in



Picture: Facilitators Tony Lee and Kerry Arabena; participants at AIATSIS

bringing people together from the remote locations where many PBCs are located meant

that not all PBCs were able to be represented. Discussions are now taking place as to how to involve more PBCs in the future.

A report on the workshop is currently being prepared for circulation for confirmation by participants and will subsequently be posted on the NTRU web site. Government representatives at the workshop will also be invited to a follow-up meeting to further discuss ways of assisting PBCs.

Staffing

The NTRU welcomes Kayeleen Brown as the new personal assistant to the Manager of the NTRU and Acting Director of Research, Lisa Strelein.

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WHAT'S NEW

Reviews and Reforms

[Senate inquiry into the Native Title Amendment \(Technical Amendments\) Bill 2007](#)

The inquiry looks into proposed amendments to provisions of the *Native Title Act 1993* (the Act) relating to:

- future acts;
- Indigenous land use agreements;
- the scope of alternative state or territory regimes to the right to negotiate established under section 43 of the Act;

- the making and resolution of native title applications;
- the obligations of the Registrar of the Native Title Tribunal in relation to the registration of native title applications;
- native title representative bodies; and
- prescribed bodies corporate.

Maori Fisheries Trust

[Submission on Shared Fisheries To The Ministry Of Fisheries](#)

Standing Committee on Environment, Communications, Information Technology and the Arts

[Conserving Australia: Australia's national parks, conservation reserves and marine protected areas](#)

Recommendation 3 5.76 The committee recommends that all governments give greater priority to Indigenous knowledge and participation in park management generally, and fire management in particular.

Senate Legal and Constitutional Affairs Committee

Inquiry into the Native Title Amendment (Technical Amendments) Bill 2007. [Submissions](#)

Changes to the registration test

See the National Native Title Tribunal's website for [more details](#).

(Sourced from NNTT Judgements and Information email alert service and the Federal Court's Native Title Bulletin)

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Recent Cases

***Gumana v Northern Territory of Australia* [2007] FCAFC 23**

ABORIGINES - land rights - grant of fee simple estate to land trust - effect of grant in inter-tidal zone - whether exclusive possession - whether excludes power of Northern Territory Director of Fisheries to grant fishing licences in area NATIVE TITLE - inter-tidal zone - non-recognition at sovereignty of exclusive rights of possession in inter-tidal zone - whether a form of extinguishment - whether amenable to operation of s 47A of Native Title Act 1993 (Cth) mandating conditional disregard of extinguishment - native title holders - membership of group - spouses of clan members - access - non-

exclusive possession - whether right to control access by other Aboriginal people.

***Arnold Franks and Others v State of Western Australia and Others (No 2)* [2007] FCA 45**

NATIVE TITLE - practice and procedure - directions to give effect to previously published reasons for decision.

***Butcher Chereh and Others on behalf of the Gooniyandi Native Title Claimants/Western Australia/Faustus Nominees Pty Ltd* [2007] NNTTA 15**

Catchwords: Native title -- future act -- proposed grant of exploration licence -- expedited procedure objection application -- whether acts directly interfere with community or social activities -- whether acts interfere with areas or sites of particular significance -- whether there is a likelihood of major disturbance to land or waters -- an act that attracts expedited procedure.

***Australian Capital Territory (Chief Minister's Department) V Eva Coe* [2007] ACTSC 15**

APPEAL - Administrative Law - Freedom of Information - access may be refused where giving access would divert resources - whether limited to work involved in locating and collating documents. The request for access was for 'all documents relating to native title in the ACT including, either direct or indirect and funding (in relation to native title in the ACT)'. The Chief Executive of the appellant sought clarification of the extent of this request, and by letter of 9 June 2005 the respondent stated that her request covered:

- All documents/records regarding Native Title in the Australian Capital Territory. This includes direct or indirect funding.
- The area of Native Title would be the whole of the Australian Capital Territory.

***Milne v Minister for Planning & Anor* [No. 2] [2007] NSWLEC 66**

Appeal - development application - State significant development - extensions to marina - social and economic impacts - visual impacts - impacts on seagrasses - development consent refused.

***Arnhem Land Aboriginal Land Trust v Northern Territory of Australia* [2007] FCAFC 31**

APPEALS - practice and procedure - stay of orders pending application for special leave to appeal - declaratory orders - no power to stay declaratory orders - declaration relating to power to grant fishing licences in intertidal zone affected by land rights grants - consent order proposed - want of power and utility - stay refused.



***New South Wales Aboriginal Land Council v New South Wales Native Title Services* ([Unreported, FCA 112, 6 February 2007, Graham J](#))**

Unopposed determination – native title does not exist.

***Bahtabah Local Aboriginal Land Council v New South Wales Native Title Services Limited* ([\[2007\] FCA 383](#))**

NATIVE TITLE - non-claimant application - unopposed - no native title exists in relation to the land.

***Batabah Local Aboriginal Land Council v New South Wales Native Title Services Limited* ([\[2007\] FCA 382](#))**

NATIVE TITLE - non-claimant application - unopposed - no native title exists in relation to the land.

***Harrington-Smith v Native Title Registrar* ([\[2007\] FCA 414](#))**

NATIVE TITLE - claimant application dismissed - aggrieved applicants seek injunction restraining Native Title Registrar from removing entry relating to claim from the Register of Native Title Claims - whether s 190(4)(d) of the Native Title Act 1993 (Cth) has the effect that the Registrar must remove entry once proceeding "dismissed" following trial, or only if and when dismissal sustained upon appeal - Held: the former, so that there was no scope for interference with Native Title Registrar's proposed removal of entry from the Register following dismissal at trial.

***Lovett on behalf of The Gunditjmarra People v State of Victoria* ([\[2007\] FCA 474](#))**

Existence of native title (s 225) - Native title exists as provided in Order 5 in the areas described in Schedule 2 ("Native Title Area"). Native title does not exist in the areas described in Schedule 3. To be clear, where Schedule 3 refers to an area covered by a public work, the land and waters in relation to which native title does not exist includes the land and waters adjacent to that public work, as described in s 251D of the Native Title Act.

***Bropho v State of Western Australia* ([\[2007\] FCA 519](#))**

The claims in these cases are in respect of alleged racial discrimination. The claims are brought by the applicant on behalf of former Aboriginal inhabitants of the Reserve in respect of the enactment of the *Reserves (Reserve 43131) Act 2003* (WA) (the Reserves Act) and actions taken under it. It is said the consequences of the Act and actions under it are that the Aboriginal inhabitants are no longer able to manage or reside at the Lockridge Camp of the SVC. It was claimed the Reserves Act and the

actions were contrary to the *Racial Discrimination Act 1975* (Cth) (the RDA).

***New South Wales Aboriginal Land Council v Minister Administering the Crown Lands Act* ([\[2007\] NSWLEC 158](#))**

Aboriginal:- Aboriginal Land Rights - Land claim - former motor registry in Wagga Wagga - building vacant except for storage of small amount of furniture- whether fact that steps were in place to sell the land when claimed was lodged means that it was "lawfully used" and therefore not "claimable Crown lands" within s 36(1)(b) of Aboriginal Land Rights Act 1983 - interpretation of "lawfully used or occupied" in s 36(1)(b).

***Kullilli People # 2 and Kullilli People # 3 v State of Queensland* ([\[2007\] FCA 512](#))**

NATIVE TITLE – Native Title Determination application – Native Title Act 1993 (Cth), s 61 – authority to make application – persons "jointly" comprising the applicant – agreement of all persons comprising the applicant.

PRACTICE AND PROCEDURE – reinstatement application – original dismissal final – discretion to set aside interlocutory judgment in exceptional circumstances – realistic attempt to comply with previous order – Federal Court Rules, O 35 r 7(2).

Outstanding Landscape Protection Society, Maungaharuru Tangitu Society and Ngati Hineuru Iwi v Hastings District Council & Unison Networks Ltd. NZ Environmental Court 27/2007


Windfarm. "The whole ridgeline, and the feature of Te Waka in particular is, for them, an area rich in lore, history and spiritual significance. They hold that the presence of turbines and related infrastructure along it would desecrate a place that is sacred for them".

***Cox on behalf of the Yungngora People v State of Western Australia* ([\[2007\] FCA 588](#))**

ABORIGINES – native title – consent determination – whether appropriate and within power – consideration of connection report – determination made.

***Risk v Northern Territory of Australia* ([\[2007\] FCAFC 46](#))**

NATIVE TITLE – Native Title Act 1993 (Cth) s 223(1) – rights and interests of claimant groups – whether possessed under traditional laws acknowledged and customs observed – whether traditional laws and customs discontinued – whether trial judge failed to consider relevant oral evidence in determining discontinuance – whether trial judge required to adopt findings of Aboriginal Land Commissioner – identification of laws and customs and composition of claimant group – whether trial judge failed to



consider claim of alternative claimant group Held: No error in trial judge's treatment of evidence, or in conclusion that traditional laws and customs discontinued. Discretion not to adopt findings of Aboriginal Land Commissioner not miscarried. No failure to consider claim of alternative claimant group.

***Wilfred Hicks and Others on behalf of Wong-goo-tt-oo/ Western Australia/ Red River Resources Ltd* [2007] NNTTA 30 (30 March 2007)**

Native title – future act – proposed grant of exploration licence – expedited procedure objection application – whether act likely to interfere directly with the carrying on of community or social activities – whether act likely to interfere with sites of particular significance – whether act likely to cause major disturbance to land or waters – expedited procedure applies.

(Sourced from NNTT Judgements and Information email alert service)

Legislation

[Senate inquiry into the Native Title Amendment \(Technical Amendments\) Bill 2007](#)

The inquiry will look into proposed amendments to provisions of the *Native Title Act 1993* (the Act) relating to:

- future acts;
- Indigenous land use agreements;
- the scope of alternative state or territory regimes to the right to negotiate established under section 43 of the Act;
- the making and resolution of native title applications;
- the obligations of the Registrar of the Native Title Tribunal in relation to the registration of native title applications;
- native title representative bodies; and
- prescribed bodies corporate.

The last day to lodge submissions is 20 April 2007.

Native Title Amendment Bill 2006

The Bill received Royal Assent on Sunday April 15. The Act is now [available](#).

Native Title Act 1993 incorporating Act [No.61 of 2007](#)

(Sourced from NNTT Judgements and Information email alert service and the Federal Court's Native Title Bulletin)

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Publications

Brennan, Sean 'Economic development and land council power: modernising the *Land Rights Act* or same old same old?' (2007) 10 (4) *Australian Indigenous Law Reporter* 1.

Bauman, Toni, 'Nations and tribes 'within': emerging Aboriginal 'nationalisms' in Katherine' (2006) 17(3) *The Australian Journal of Anthropology* 322.

Corbett, Tony 'The National Native Title Tribunal's façade of Indigenous advocacy' (2006) 25(2) *Social Alternatives* 37.

Corbett, Tony and O'Faircheallaigh, Ciaran 'Unmasking the politics of native title: the National Native Title Tribunal's application of the NTA's 'arbitration provisions' (2007) 33 (1) *Western Australia Law* 153.

Dalrymple, David 'Land rights and property rights' (2007) 51(1) *Quadrant* 61.

Foley, Gary and Anderson, Tim 'Land rights and Aboriginal voices' (2006) 12(1) *Australian Journal of Human Rights* 83.


Hepburn, Samantha 'Transforming customary title to individual title: revisiting the cathedral' (2006) 11(1) *Deakin Law Review*. 63.

Irvin, Zoey 'Wilcox J and Olney J: a comparative analysis of historical assumptions in the *Yorta Yorta* and single *Noongar* decisions' (2007) 6(24) *Indigenous Law Bulletin* 24.

Laurence, Jennifer 'Amendments to Part IV (Mining) of the Aboriginal *Land Rights (Northern Territory) Act 1976* (Cth) introduced by the *Aboriginal Land Rights (Northern Territory) Amendment Act 2006* (Cth)' (2006) 25 (3) *Australian Resources and Energy Law Journal* 230.

Langton, Marcia, Mazel, Odette and Palmer, Lisa 'The 'spirit' of the thing: the boundaries of Aboriginal economic relations at Australian common law' (2006) 17(3) *The Australian Journal of Anthropology* 307.

Loo, Tse Chee 'The crown as a model litigant' (2007) 8(1) *Native Title News* 5.



McKenna, Marshall 'Wongatha: the importance of authorisation' (2007) 8(1) *Native Title News* 7.

Phillips, Susan 'Retrospective registration following judicial review? - *Wakaman People (No 2)*' (2007) 8(1) *Native Title News* 3.

Porter, Libby 'Rights or containment? : the politics of Aboriginal cultural heritage in Victoria' (2006) 37(3) *Australian Geographer* 355.

Timms, Cathryn 'Negotiation and agreement-making: providing the way forward in Australian native title' (2006) 8 *University of Notre Dame Australia Law Review* 107.

Government Publications

Magarey, Kirsty *Native Title Amendment Bill 2006, Bills Digest* (6 February 2007) 2006-07, No. 77. Digest of the *Native Title Amendment Bill 2006* (Cth) prepared by the Law and Bills Digest Section of the Parliamentary Library.

[National Indigenous Council Report to Government, January – December 2006](#)

(Sourced from NNTT Judgements and Information email alert service)

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Events

Events will now be updated online at http://ntru.aiatsis.gov.au/publications/whats_new.html#events

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NATIVE TITLE IN THE NEWS


NATIONAL

1-Mar-07 NATIONAL **Tipping the scales: law firms making hay while resources shine** The resources boom has led to an increased demand in legal services. The 'proliferation of legal services in the resources industry has led a number of law firms to establish specialised niche areas of expertise'. Blake Dawson Waldron senior associate Murray Wheeler said 'land access is also key issue for the resources sector with matters like native title claims and environmental approvals becoming more prominent'. Christine Lovitt, a partner at Blakiston & Crabb who works in resources and project acquisitions says that 'native title is one of the main areas of concern for many junior [mining] companies and it has become a complex issue'. Other firms acting in hard rock mining law include Hunt & Humphry. *Resource Stocks* (National, March 2007), 36.

1-Mar-07 NATIONAL **Logan comfortable in resources chair** Western Australia has a newly appointed Minister for Energy, Resources, Industry and Enterprise Francis Logan MLA. He said that one of the key issues for the WA industry was the 'relationship with Commonwealth government in regards to Native Title'. Mr Logan said that a 'significant part of the bottleneck in the approvals process has been caused by the finalising of agreements under the (federal) Native Title Act' which was outside the control of the WA government. In relation to streamlining the approvals

process Mr Logan said that 'there are a lot of external factors - Native title, heritage agreements and environmental approvals - but as long as the department's own side of the process is done in an efficient and effective manner and can't be criticised then [his] responsibility under [his] jurisdiction [would be] delivered'. *Paydirt* (National, March 2007), 5.

9-Mar-07 NATIONAL **Government responds to native title report** The Federal Government has 'refused recommendations on native title representative bodies that would oblige it to consider independent advice in some circumstances, alter eligibility for financial assistance and review the allocation of operational funding'. This was issued as a part of its response to the Parliamentary Joint Committee report on native title and the Aboriginal and Torres Strait Islander land account on the operation of NTRBs. The Government rejected the recommendation that it 'establish an independent advisory panel to advise the Minister on the re-recognition of NTRBs once their recognition period had expired' because it found that 'the recommendation would not assist with the aim of the current reforms, which is to improve efficiency'. The Government noted that the 'Office of Indigenous Policy Coordination holds substantial amounts of information relevant to these criteria and its staff have practical experience in gauging whether they have been met'. *Lawyers Weekly* (National, 9 March 2003), 6.



14-Mar-07 **NATIONAL NNTT bias to miners - research** A study conducted by Ciaran O'Faircheallaigh and Tony Corbett from the Griffith University Business School has found that the 'arbitration of mining agreements by the National Native Title Tribunal (NNTT) is favouring mining companies and seriously disadvantaging Indigenous people'. The study found that in 10 cases of arbitrated by the NNTT 'no conditions were imposed on mining companies and only minimal conditions on others'. Professor O'Faircheallaigh said that 'the companies know if they cannot get the agreement they want in negotiations, they can go to the tribunal and get their mining leases issued'. He also noted that 'many Indigenous parties are signing agreements that offer them few benefits because the alternative is arbitration and a determination by the Tribunal that offers them no benefits'. *Koori Mail* (National, 14 March 2007), 14.

28-Mar-07 **NATIONAL NT reforms may be the last chance** National Native Title Tribunal President Graeme Neate has said that 'reforms of the native title system will achieve stronger and faster results for many of the remaining claims...if claimants governments and others can work together in good faith to negotiate outcomes'. Mr Neate said that the 'proposed powers and functions should make the progress (or lack of progress) of claims more transparent, and will put a spotlight on the mediation performance of all participants'. He said that the 'history of long, expensive and sometimes inconclusive court cases shows the need for a stronger agreement-making regime'. *Koori Mail* (National, 28 March 2007), 22.

28-Mar-07 **NATIONAL Rights at risk** West Australian Greens Senator Rachel Siewert has 'described the proposed changes to the Native Title Act as 'wrong headed' and 'perverse'. The Senator told the Senate last week that 'the Howard Government was winding back native title and undermining the ability of representative bodies to make mutually beneficial agreements'. She said that 'native title has the potential to deliver substantial lasting development opportunities for indigenous communities still occupying their traditional lands'. However Senator Siewert said that the 'promise of native title has been hamstrung by an overly complex and bureaucratic system, the reluctance of the National Native Title Tribunal to use its arbitration powers to impose conditions on mining companies and the recalcitrance of governments who do not wish to concede any ground'. *Koori Mail* (National, 28 March 2007), 6; 'Native title has failed to deliver its promise' *Media Release, Senator Rachel Siewert* (22 March 2007), 5.


05-Apr-07 **NATIONAL Native title amendments will undermine process: Labor** The Labor Party has said that 'changes aimed at speeding up native

title claims and encouraging more claims to be settled out of courts will just undermine the process'. The changes will give additional powers to the National Native Title Tribunal and see non-Indigenous law firms participate as representative bodies in native title claims. Greens senator Rachel Siewert said that the 'bill is a retrogressive piece of legislation that does not seek to progress the issue of native title'. Senator Siewert also said that 'the National Native Title Tribunal has become increasingly bureaucratic and particularly ineffective particularly in its mediation role'. *National Indigenous Times* (National, 5 April 2007), 4.

19-Apr-07 **NATIONAL Aboriginal leaders question gov't home ownership push** The Government's 'push to introduce private home ownership to remote Aboriginal communities has been questioned'. Olga Haven from the Northern Land Council said 'there are some really complex issues surrounding home ownership and this move to freehold title or 99 year leases'. Ms Haven said 'when you're talking about a group of people who are already impoverished, who don't have the capacity to meet the basic needs in life, it begs the question to the degree of affordability'. Aboriginal Leader Pat Dodson said 'if you take Indigenous communities on the basis that they have a communal people with extended families, with mutual obligations, we have a life that is quite different to Western people'. *National Indigenous Times* (National, 19 April 2007), 6.

23-Apr-07 **NATIONAL Mining boom 'classic case of colonisation'** Prominent Aboriginal Academic Marcia Langton has 'compared Australia's commodities boom to the 19th century colonisation of Africa and accused the nation's political leaders of ignoring evidence based solutions to the plight of Aboriginal people in favour of political 'grandstanding'. Ms Langton said that 'traditional owners are being left behind...[with] so little of that money...going back into the community...its a classic case of colonisation...like Africa in the 19th century, when all the wealth was extracted out for the people of Manchester and London while the people in Africa went poor'. *Sydney Morning Herald* (Sydney, 23 April 2007), 6.

24-Apr-07 **NATIONAL Aborigines losing responsibility for the land** Young Australian of the Year Tania Major has criticised the government for 'focusing exclusively on social and economic empowerment in Aboriginal communities while removing the right of indigenous people to 'take responsibility for culture and land'. Ms Major said that 'Indigenous people were being refused the right of joint management of national parks and funding to set up regional land management organisations'. She said that 'although government and other stakeholders and the public were pushing Indigenous people to take responsibility for re-



building healthy communities, governments were damaging the strongest pillar of responsibility -"our connection to land". *The Australian* (National, 24 April 2007), 2.

25-Apr-07 **NATIONAL PBC Meeting was a First** Corporations representing successful; native title claimants met in Australia for the first time. Prescribed bodies corporate 'came together to Canberra to discuss aspirations for their native title lands, their communities and their future generations'. Many of the PBC members were from remote locations throughout Australia. AIATSIS Native Title Research Director Dr Lisa Strelein said 'the purpose of the meeting was to gather dispersed PBC members to gain information and influence the development of key government policies and programs that affect native title land'. *Koori Mail* (National, 25 April 2007), 18.

25-Apr-07 **NATIONAL Native title changes now a reality** The Native Title Amendment Act 2007 has been through the final stages of Royal Assent and will become legislation. One of the major changes will affect the registration test for native title claims. Under the new laws, the native title registrar will be required to reapply the registration test to native title applications. National Native Title Registrar, Chris Doepel said that the 'tribunal will work closely with Aboriginal and Torres Strait Islander representative bodies to try to contact the relevant claimants' and where 'claimants are unrepresented, the Tribunal will make every effort to contact them through native title networks'. *Koori Mail* (National, 25 April 2007), 22.

3-Mar-07 **NSW Mine operator apologises to Aboriginal community** Craig Walter Williams 'who damaged a designated Aboriginal Place to improve his mining operation had to meet with the Aboriginal community and apologise'. Mr Williams was 'fined a total of \$1400 for the offences and ordered to pay the Department of Environment and Conservation's costs of \$85 000. *Barrier Daily Truth* (Broken Hill, 3 March 2007), 3.

ACT

14-Mar-07 **ACT Govt blocks public's access to information** The ACT government can 'now block freedom of information requests more easily if the request is deemed too costly to process'. Attorney General Simon Corbell said the 'changes would prevent taxpayers' resources from being "unreasonably diverted". However opposition parties 'describe the amendment as "retrograde" and predicted that the government would abuse the new powers'. The laws follow the 'ACT Supreme Court's decision last week to reject a Government appeal against a freedom of information request lodged by

Ngunnawal woman Eva Coe'. *Canberra Times* (Canberra, 14 March 2003), 4.


NEW SOUTH WALES

10-Mar-07 **NSW No time to be complacent** The Association of Mines and Exploration Companies' policy and public affairs manager Ian Loftus said Western Australia was 'tracking well with the good results due largely to the substantial contributions made by the mining industry'. However Mr Loftus warned that 'the obvious fact that we're reaping the benefits of the mineral boom today should be a warning against complacency'. He noted that 'with mineral exploration still in a relative slump, and a range of unresolved environmental and native title issues still holding the industry back, this is no time to forget the need to think about tomorrow'. *Geraldton Guardian* (Geraldton, 9 March 2007), 13.

14-Mar-07 **NSW Graham: we don't want to do the wrong thing** The Guringai Tribal Link Aboriginal Corporation has claimed that its members represent the original inhabitants of Central Coast land not the Darkinjung Land Council. It has 'written to the NSW Government and Wyong Council seeking formal recognition and has threatened legal action if the matter is not resolved'. Wyong Mayor Bob Graham has 'confirmed the council has received a letter from the Guringai Tribal Link Aboriginal Corporation regarding cultural heritage issues'. The council 'did not want to get into a debate on land ownership and had referred the matter to the State Government for direction'. Mr Graham said that he had 'not been aware there was a controversy and was disappointed Guringai had threatened legal action'. *Central Coast Express Advocate* (Gosford, 14 March 2007), 3; 'Fight for recognition' *Central Coast Express Advocate* (Gosford, 14 March 2007), 3.

16-Mar-07 **NSW Traditional owners rejoice** The Darug Aboriginal people will have 'direct management' of the 900 hectare regional park in the former site. The commitment was made by Environment Minister Bob Debus 'who said the community would be able to access the park by September for the first time in 50 years' and formalised with the signing of a Memorandum of Understanding. The Minister for Western Sydney and State Member for Mulgoa, Diane Beamer said that 'the Aboriginal people were (sic) traditional guardians and managers of this land and it is absolutely right that they be jointly involved in the long term care of out parks and reserves, alongside the NSW National Parks and Wildlife Service'. *Western Weekender* (Sydney, 16 March 2007), 4.

22-Mar-07 **NSW Claim on Jetty land and parks** The Coffs Harbour Local Aboriginal Land Council is waiting for a decision on a claim for four parcels of



land, including the Jetty Oval and England Park, under the NSW Aboriginal Land Rights Act 1983. The Coordinator of the LALC said that 'if the claim was successful there was also every possibility the land council would look at leasing the land back to Coffs Harbour.' He said, A lot of Aboriginal people use the sporting facilities there and we don't want it to be seen that we are claiming that land for negative publicity - its all about increasing our asset for the betterment in the lives of our members'. A spokesperson for the Department of Lands said that the land claim was 'under investigation'. *Coffs Coast Advocate* (Coffs Harbour, 22 March 2007), 1.

22-Mar-07 NSW **Policies in brief** Some of the key issues that have been addressed by NSW Labor include amending the 'Aboriginal Land Rights Act to 'ensure that clear guidelines are available to land councils wishing to undertake land dealings' and ensuring 'full and proper consultation on the proposed land amendments by circulating an exposure draft'. *National Indigenous Times* (National, 22 March 2007), 4.

23-Mar-07 NSW **Land Council gets ready for new Act** The Purfleet -Taree Local Aboriginal Land Council 'has begun its preparation for the start of the new NSW Aboriginal Land Rights Act legislation later in the year'. The new legislation 'will require the state's individual land councils to elect boards comprising 10 people in place of the current president-secretary-treasurer structure'. *Manning River Times* (Taree, 23 March 2007), 4.

14-Apr-07 NSW **Claims dismissed** Wiraduri elders have 'moved to distance themselves from the actions of a group of environmental protestors, who temporarily halted operations at Barrick Gold's Lake Cowal mine over the Easter weekend. In an official statement, Percy Knight the CEO of the Wiradjuri Condobolin Corporation said 'traditional owners of Wiradjuri country...object to interference by outsiders in their business'. *Forbes Advocate* (Forbes, 14 April 2007), 3.

16-Apr-07 NSW **Aboriginal oppose dam** A proposal to dam the Clarence River could potentially affect the livelihoods of 4000 Aboriginal people. The Federal Government's plans to 'divert water in the river from NSW to drought stricken southeast Queensland has been opposed by members of the Githabul people whose joint ownership of the land was recognised in a native title agreement'. Traditional owner Trevor Close said that 'Githabul elders had not been consulted prior to the decision to publicly release the proposal which was outlined in a report prepared by the Snowy Mountains Engineering Corporation'. Mr Close said that damming the River at Duck Creek would 'have a catastrophic effect on the 13 communities who relied on it as a source of food and water'. *Daily Telegraph*


(Sydney, 16 April 2007), 9; 'Dam would 'wipe out 4000 Aborigines' *Gold Coast Bulletin* (Gold Coast, 16 April 2007), 5; 'Govt river diversion damned' *Northern Territory News* (Darwin, 16 April 2007), 9; 'Let our river run its natural course' *Sunday Telegraph* (Sydney, 22 April 2007), 44.

24-Apr-07 NSW **Protecting Biddon's cultural heritage** Local Indigenous TAFE students have recorded over '50 Aboriginal sites in the Biddon State Conservation Area in a project aimed at improving cultural heritage protection'. The initiative was developed by the UAMBI CDEP, TAFE NSW, Gilgandra Local Aboriginal Lands Council and the Department of Environment and Conservation (DEC). DEC Community Partnership facilitator Bob Sutherland said 'the project had wide ranging benefits for cultural heritage protection'. *Gilgandra Weekly* (Gilgandra, 24 April 2007), 3.

NORTHERN TERRITORY

1-Mar-07 NT **Waste opponents want summit** Aboriginal custodians from the Muckaty Station have called the Northern Land Council to hold a meeting 'of all traditional owners to decide if a nuclear waste facility should be build in their land'. Yapayapa woman Dianne Stokes said: 'we don't want this stuff on our country'. At the meeting 'nobody spoke in favour of the facility being built'. The land council has been 'secretly negotiating with some Muckaty traditional owners about the nuclear waste facility'. Natalie Wasley from the Arid Lands Environmental Centre (Beyond Nuclear Initiative) said that 'the NLC Chief Executive Norman Fry has said the groups are entitled to make their own decisions regarding their country so he needs to take heed of his own advice and start listening to people'. *Northern Territory News* (Darwin, 1 March 2007), 3; 'Muckaty custodians demand NLC action' *Tennant & District Times* (2 March 2007), 3; 'Waste site at Muckatty?' *Territory News* (Northern Territory, 16 March 2007), 3.

1-Mar-07 NT **NT claims blight on the economy** ACIL Tasman consultant Gary Johns has said 'Native Title claims are frustrating economic land development throughout Australia' at the 2007 Pastoralists and Graziers Association (PGA) centenary conference. Dr Johns said that 'land should be at the heart of Aboriginal land rights, not cultural heritage'. According to him the 'utility of the land has been trumped by the morality of land rights'. *Farm Weekly* (Western Australia, 1 March 2007), 8.1-Mar-07 NT **Kevin's fight for his home on the range** Kevin Pick, who lives on Todd River Downs has failed to secure a grant of land and only holds a grazier license on his property despite the Report of Justice Toohey in *Seven Years On* that 'where the holder of a grazier license will suffer serious



detriment the Minister might well decide that he is not satisfied that there should be a grant of the land'. His property is now the subject of a land claim by the Central Land Council 'which was granted although some traditional owners...[have] made it clear that Kevin's interests needed to be looked after'. The CLC issued a statement saying that it was not concerned with Mr Pick living on the property but 'it does have ongoing concerns about serious land degradation caused by overgrazing'. David Ross the Director of the CLC has repeatedly asked Kevin Pick to avoid the severe land degradation of his Pmere Myente Land Trust. The CLC noted that Mr Pick had lived on the land trust all of his life and the CLC is happy for him to live there. However, 'Mr Pick is not a traditional owner and the CLC is not obliged to assist him with his pastoral activities'. *Alice Springs News* (Alice Springs, 1 March 2007), 5; 'Devastation on Todd River Downs massive says CLC' *Alice Springs News* (Alice Springs, 8 March 2007), 4.

2-Mar-07 **NT Mine denies link to fatal flesh eating bug** Mining company Xstrata is rejecting 'any link between the deaths of three people from a flesh eating bacteria to its lead and zinc mine'. An article was published in the *British Journal of Infection* noted that three people had died and one lost a foot from a rare disease known as vibrio' after coming into contact with the waterways near the McArthur River Mine. The recent conversion of the mine to an open pit mine was opposed by environmentalists and some traditional groups. Northern Land Council Chief Executive Norman Fry said that it was a 'disgrace' that the health risks were not made public. *The Australian* (National, 2 March 2007), 6; 'Martin failed on flesh-eating disease: council executive' *National Indigenous Times* (National, 8 March 2007), 6.


3-Mar-07 **NT Major Native title win in NT** In the determination 'three judges of the Federal Court in Darwin granted traditional owners native title rights to intertidal zones over the high-tide mark in the Blue Mud Bay region northwest of Arnhem Land'. The 'landmark native title claim that could affect up to 80 per cent of the Northern Territory Coast line'. The decision has 'massive ramifications for commercial fishing and prompted an immediate response from the NT Government which said it would appeal to the High Court'. The decision has implications for 'commercial fishing license for barramundi mud crabs and trepang operators'. The Northern Territory Attorney General Syd Stirling said that 'the NT government sought an immediate stay of the court orders, with the consent of all of the parties involved'. Mr Stirling said that the 'Government believes that this issue is of such complexity and goes to so many points of law that the clarity of the High Court is required'. The Seafood council will join the Northern Territory Government in an appeal to

the High Court against the Federal Court decision handed down March 2, which could affect an area of up to 80 per cent of the coast. The decision gives 'exclusive native title rights over intertidal zones in coastal waters to the Yarrwidi Gumatji and other Aboriginal groups in eastern Arnhemland'. The ruling also held that the 'Fishing Act NT was invalid in the claim area, and the Government could not grant fishing licenses in Blue Mud Bay, 100 km south of Nhulunby'. *Weekend Gold Coast Bulletin* (Queensland, 3 March 2007), 2; 'Landmark win for native title' *Border Mail* (Albury-Wodonga, 3 March 2007), 29; 'Coastline win for Aborigines' *Weekend Australian* (National, 3 March 2007), 8; 'Landmark native title ruling' *Illawarra Mercury* (Wollongong NSW, 3 March 2007), 8; 'Landmark native title claim in Darwin' *Townsville Bulletin* (Townsville, 3 March 2007), 10; 'Aboriginal access' *Launceston Examiner* (Launceston, 3 March 2007), 18; 'Native Title' *Adelaide Advertiser* (Adelaide, 3 March 2007), 7; 'High Court Ruling needed over Blue Mud Bay Decision' *Northern Territory News* (Darwin, 6 March 2007), 3; 'NLC scores landmark title win' *National Indigenous Times* (National, 8 March 2007), 4; 'Blue Mud fishermen will have to apply for permits' *Northern Territory News* (Darwin, 17 March 2007), 4; 'Fishing licence set to cost cash' *Northern Territory News* (Darwin, 30 March 2007), 7.

6-Mar-07 **NT Gov't waste dump fiasco, cont'd** Senator Kim Carr, Warren Snowdon and Senator Trish Crossin have said in a joint media release that 'Labor will ensure that any proposal for the siting of a nuclear waste facility on Aboriginal Land in the Northern Territory would adhere to the requirements that exist under the Aboriginal Land Rights, Northern Territory Act (ALRA)'. *Media Release* (National, 6 March 2006), 3.

7-Mar-07 **NT Council to name nuke waste sites** The Northern Land Council is 'expected to soon name at least two potential sites for a nuclear waste facility'. The favoured site is the Muckaty Station north of Tennant Creek but there is also a proposed site at Nhulunbuy. A source told the *Northern Territory News* that 'the land council will name possible sites and environmental assessments and consultation will then get underway'. Natalie Wasley from the Arid Lands Environment Centre said 'there is clear and demonstrated community concern over the dump plan and the dump process among many traditional owners'. *Northern Territory News* (Darwin, 7 March 2007), 3.

14-Mar-07 **NT Seafood Council fights title ruling** The Northern Territory Seafood Council has 'joined forces with the NT Government to fight a court decision granting Aboriginal people exclusive native title to a stretch of Australia's northern coast'. The appeal concerns a Federal Court ruling that 'granted traditional owners exclusive native title rights to the



intertidal zone in the Blue Mud Bay region in north east Arnhem land'. The decision 'means that local Aboriginal people can decide who enters waters near the coast line to fish, with the decision affecting commercial licenses for barramundi, mud crabs and trepang operators'. NT Seafood Council chairman Rob Fish said that 'the potential impacts of the decision on certain sectors of the commercial fishing industry are complete and that [they] are currently assessing those impacts upon individual members and the industry as a whole'. Northern Land Council Chairman Norman Fry said that 'after over 30 years of struggle, the exclusive rights of traditional owners have finally been recognised regarding commercial fishing in the intertidal zone and tidal rivers above the low water mark'. *Koori Mail* (National, 14 March 2007), 11; 'NT Govt to appeal land ruling' *North Queensland Register* (Townsville, 15 March 2007), 13; 'Fishos stuck in legal swamp over native title' *Northern Territory News* (Darwin, 21 March 2007), 4.

14-Mar-07 **NT Agreement on iron ore mine** The Northern Land Council has signed an agreement with Territory Iron which 'allows for the reworking of the old Frances Creek iron ore mine'. Northern Land Council Chief Executive Norman Fry said that the deal offered employment and business opportunities for people in the region as well as providing benefits for traditional owners.' *Katherine Times* (Katherine, 14 March 2007), 2.

15-Mar-07 **NT Canberra in grab for tribal land** The Howard Government has 'moved to seize responsibility for land tenure from the Northern Territory Government' which means that 'Indigenous people in some communities will be able to buy their own homes on traditional land within months'. The Northern Territory Chief Minister Clare Martin 'warned the federal Government not to rush Aboriginal communities into signing 99 year leases'. Ms Martin also said that there was 'uncertainty about the new arrangement on the Tiwi Islands where the Nguui community is the nation's first indigenous community to sign on to the private home ownership scheme'. Mal Brough the Federal Minister for Indigenous Affairs has 'also increased pressure on the West Australian and Queensland governments to reform land management so more Indigenous people can own homes'. These sentiments were also echoed by Herbert MP Peter Lindsay who called for the 'Queensland Government to reform land management in the communities'. The Northern Territory Government 'agreed to create the body that would administer head leases and sub leases for the new scheme but Mr Brough last week said the Commonwealth was stepping in to speed up the process'. NT Senator Trish Crossin has also said that 'the Tiwis are being pressured into handing over their land to Brough's new land holding entity with the detail still unknown'. *The Australian* (National, 14 March 2007), 1; 'Don't rush NT home ownership'


The Australian (National, 15 March 2007), 4; 'Tiwis warned on 'bully' Brough' *Northern Territory News* (Darwin, 15 March 2007), 4; 'Island leaders sceptical on MP's demand over land ownership' *Townsville Bulletin* (Townsville, 15 March 2007), 6; 'Tiwi's 'bullied' into lease deal' *Centralian Advocate* (Alice Springs, 16 March 2007), 12; 'Tiwi lease on the way?' *Koori Mail* (National, 28 March 2007), 1; 'NT govt loses land leases to Brough' *National Indigenous Times* (National, 22 March 2007), 9; 'Tiwi Islanders bullied by Brough: NT Senator' *National Indigenous Times* (National, 22 March 2007), 9.

16-Mar-07 **NT Farm Land Released** The Northern Territory Government has signed an Indigenous Land Use Agreement which allows 'three parcels of land at Pine Hill Station, near Ti Tree, to be developed as irrigated agriculture blocks'. The Minister for Primary Industry and Fisheries Chris Natt said 'this could extend the growing seasons between Darwin and Alice Springs'. *Northern Territory News* (Darwin, 16 March 2007), 3.

17-Mar-07 **NT Stay of orders dismissed** The Federal Court has 'dismissed an application by the NT government for a stay of orders over a landmark native title claim for part of Australia's northern coast'. The 'government and the NT Seafood Council are fighting a unanimous decision by three judges granting local Aborigines exclusive access to the Blue Mud Bay Region'. *Toowoomba Chronicle* (Toowoomba, 17 March 2007), 42; *Western Advocate* (Bathurst, 17 March 2007), 4; *Northern Star* (Lismore, 17 March 2007), 26; *News Mail* (Bundaberg, 17 March 2007), 16; *Gladstone Observer* (Gladstone, 17 March 2007), 19; *Daily News* (Tweeds Head, 17 March 2007), 12; 'Court dismisses application for stay on native title claim' *National Indigenous Times* (National, 22 March 2007), 3.

19-Mar-07 **NT Land grab worries** Tim Bugg the President of the Law Council of Australia has warned that 'Indigenous communities in the Northern Territory are justifiably nervous about Mal Brough's proposals which will require them to hand over control of their land to the federal Government for more than three generations'. Mr Bugg said that 'it is...likely that in the absence of financial literacy and education many within Aboriginal communities will simply lose their land to lenders'. He also said that the 'claim that Aboriginal families on combined incomes of just \$30 000 will be able to own a house appears to conflict with recent reports that the federal Government proposes to cut back investment in housing in remote areas'. *The Australian* (National, 19 March 2007), 17.

20-Mar-07 **NT MOU to advance Indigenous employment in the forest industry** A Memorandum of Understanding (MOU) has been signed which will



'focus on Indigenous employment and skills shortages in the forest industry, and opportunities to encourage Indigenous business in regional Australia'. The MOU was signed by representatives from peak Indigenous Organisations, the Australian forest industry and four government ministers as a part of the National Indigenous Forest strategy. The Federal Minister for Fisheries, Forestry and Conservation Eric Abetz said that the 'MOU formalises the relationship between the interested parties who will work in partnership with Indigenous people to build stronger communities by encouraging the supporting employment and business opportunities in the forestry sector'. *Media Releases Federal Government (National, 20 March 2007)*, 37.

22-Mar-07 **NT Union supports restricted access**
The Media Entertainment and Arts Alliance claims that 'it is not the permit system [that] is denying Aboriginal people access to the normal advantages of Australian society'. The Alliance said that even though it was 'strongly supportive of the principles of freedom of the press, the alliance is of the view that the 'monopoly of silence' that surrounds many issues that are a national disgrace are not attributable to permits being required to enter Aboriginal lands. Rather they are attributable to entrenched socioeconomic disadvantage and policy failure on the part of successive governments'. *The Australian (National, 22 March 2007)*, 14.

23-Mar-07 **NT A very good story for a change**
The Pine Hill agreement has been 'hailed as the way forward for development in the bush'. A part of the land has been acquired for development but 'traditional owners were included in the planning process and will be paid the appropriate compensation for giving up their native title rights'. The agreement has been 'managed and brokered by the lawyers and anthropologists of the Central Land Council'. Federal Member for Lingiari Warren Snowdon said that 'it shows what can be achieved when people sit down and talk to one another instead of going to court and fighting with lawyers'. *Centralian Advocate (Alice Springs, 23 March 2007)*, 10.

27-Mar-07 **NT 65 jobs in new Alice mine**
Negotiations are underway for a new mine on the Plenty Highway. The molybdenum-tungsten mining project will be operated by the Thor Mining and called Molyhil. Chief Executive Officer John Young said that 'we are in talks with the Northern Territory Government and the Central Land Council and we hope to complete this by the beginning of May'. *Centralian Advocate (Alice Springs, 27 March 2007)*, 1.


27-Mar-07 **NT Expansion challenge** Traditional owners have began a legal action against the

Northern Territory Government over its approval allowing Xstrata to convert its McArthur River Mine from an underground to an open pit mine. Lawyer for the traditional owners Tim Robertson said that the 'Government failed to follow relevant procedures under the Mine's Management Act'. The legal challenge also includes a 'failure to provide local Aborigines with natural justice and failure to consider environmental impacts'. Mr Robertson said 'the minister must consider whether to impose a condition relating to the outcomes of the environmental assessment process and if the minister fails to turn his or her mind to that consideration, then in our respectful submission, there is a legal error'. *North West Star (Mount Isa, 27 March 2007)*, 8.

28-Mar-07 **NT Jabiru wins licence** The Benambra mine in East Gippland may be reopened after a 'fierce battle for exploration rights over the area'. The Zinc junior Jabiru Metals 'looks set to take control of the former mine which closed in 1998'. The company will be 'given the rights to explore the area after completing native title negotiations and is likely to be forced to lodge an environmental bond before proceeding with any new development'. *Herald Sun (Melbourne, 28 March 2007)*, 35.

05-Apr-07 **NT TOs fight McArthur mine plan**
Traditional owners have 'begun legal action against the Northern Territory government over the controversial expansion of the territory's largest zinc mine'. Under the project Swiss mining giant Xstrata and its subsidiary McArthur River Mining will convert the underground mine from an underground to open cut mine. However Tim Robertson, lawyer for the traditional owners said that the government 'failed to follow relevant procedures under the Mines Management Act'. Mr Robertson said that 'the minister must consider whether to impose a condition relating to the outcomes of environmental assessment process and if the minister fails to turn his or his mind to that consideration, then in our respectful submission there is a legal error'. He said that 'after the decision was made (by the NT Environment minister) to recommend against approving that process, if the proponent comes back to the government and says we want a second bite of the cherry...you just can't wind back the process of consideration'. *National Indigenous Times (National, 5 April 2007)*, 5.

05-Apr-07 **NT Fight for fishing rights** The Northern Territory's peak Aboriginal organisation is 'scrambling to devise a painless permit system' that allows anglers to continue fishing after the Federal Court's controversial Blue Mud Bay land rights ruling which 'legal experts believe...[will give] Aborigines exclusive ownership of the inter-tidal zone - the shoreline between the high and low tide mark'. The case was 'originally mounted by the Northern Land



Council 10 years ago'. Chief Executive Norman Fry said that 'the unexpected Court ruling would mean compensation of traditional owners, not the end of commercial enterprises'. *North Queensland Register* (Townsville, 5 April 2007), 10.

07-Apr-07 NT **Appeal lost** The Larrakia people have 'lost their appeal against a failed bid for native title recognition, in Australia's first case involving a large part of a capital city'. The Federal Court dismissed the appeal and found that 'the Larrakia had not maintained a continuous observance of traditional laws and customs'. The Northern Land Council which represented the Larrakia 'immediately sought to appeal the ruling despite the fact the claim was rigorously contested by the Northern Territory government and the Darwin City Council'. The NLC said that the judgment 'failed to deal with the concept of a "body of people united by a notion of custom"'. Northern Territory Attorney General Syd Stirling said the ruling 'gave the people of Darwin a sense of certainty while the legal profession were given some clarity "around this emerging body of law"'. The claim was 'raised by the Larrakia people 11 years ago and covered 250 pockets of crown land, mostly on the outskirts, including reserves and beaches down to the low-water mark'. *Launceston Examiner* (Launceston, 7 April 2007), 14; 'Appeal fails' *Adelaide Advertiser* (Adelaide, 6 April 2007), 10; 'Native Title Bid Fails' *Ballarat Courier* (Ballarat, 6 April 2007), 12; 'Aborigines lose claim for Darwin' *Barrier Daily Truth* (Broken Hill, 6 April 2007), 10; 'Larrakia Darwin appeal bid lost' *Northern Territory News* (Darwin, 6 April 2007), 2; 'Challenge rejected' *Koori Mail* (National, 11 April 2007), 3.


13-Apr-07 NT **Muddy waters for fishing** The Northern Territory Government has confirmed that permits will be required to fish in tidal waters following the Blue Mud Bay land rights decision. Attorney General Syd Stirling said that 'interim entry permits doubling as fishing licenses were actually required from March 2, the date of the [Blue Mud Bay] decision by the Federal Court granting tidal property rights to Aboriginal people'. The Northern Land Council has agreed that permits will be backdated to 2 March so that recreational anglers will not be breaking the law. Mr Stirling's office said that 'the Blue Mud Bay case created enormous uncertainty' and that the 'Territory government disagrees with [the] ruling and is seeking leave to appeal in the High Court'. *Kalgoorlie Miner* (Kalgoorlie, 13 April 2007), 3.

19-Apr-07 NT **Deadline for lease holders** Aboriginal people have been given a month to 'hand over their Crown land leases in town camps in Alice Springs or miss out on \$50 million in federal funding'. Federal Indigenous Affairs Minister Mal Brough wrote to Tangentyere Council chief William Tilmouth saying 'I am frustrated that after so long

that there has been no actual physical progress made to relieve conditions in the town camps'. However Lingiari Member Warren Snowden said that 'like the Minister they just want to see improvements in town camps and a better life for their kids, but they understand making lease arrangements a prerequisite for funding is nothing but blackmail'. Federal Minister for Community Services Nigel Scullion has 'defended Mr Brough'. *Northern Territory News* (Darwin, 19 April 2007), 4; 'More to camps deal than meets the eye' *Alice Springs News* (Alice Springs, 19 April 2007), 7.

QUEENSLAND

1-Mar-07 QLD **Original owners recognised** Githabul traditional owners were recognised by the New South Wales Government in a ceremony where NSW Minister for Lands Tony Kelly, NSW Minister for Aboriginal Affairs Reba Meagher, NSW Minister for the Environment Bob Debus and Githabul Elders signed the 'biggest ever' Indigenous Land Use Agreement (ILUA). The ILUA 'covers 112 000ha of national parks and state forests in the Kyogle, Woodenbong and Tenterfield area' and will 'allow Githabul people to have a say in the management of these areas and the protection of culturally significant sites'. The agreement will also 'also generate employment for Githabul people and transfer 102 ha of Crown land to the Githabul Corporation'. *Daily News* (Warwick, 1 March 2007), 2; 'Githabul welcome the chance to manage land' *Northern Star* (Lismore, 1 March 2007), 8; 'Native Title Agreement' *Northern Daily Leader* (Tamworth, 1 March 2007), 9; 'NSW Native Title history' *Illawarra Mercury* (Wollongong, 1 March 2007), 16; *Morning Bulletin* (Rockhampton, 1 March 2007), 16; 'Native title deal' *Sydney Morning Herald* (1 March 2007), 8; *Queensland Times* , (Ipswich, 1 March 2007), 12; *Gympie Times* (Gympie, 1 March 2007), 6; *Fraser Coast Chronicle* (Hervey Bay, 1 March 2007), 22; 'Native Title Agreement' *Daily Telegraph* (Sydney, 1 March 2007), 11; *News Mail* (Bundaberg, 1 March 2007), 10; *Daily Mercury* (Mackay, 1 March 2007), 12; *Toowoomba Chronicle* (Toowoomba, 1 March 2007), 20; 'Old ways the best for boys living off their land' *The Australian* (National, 1 March 2007), 5; 'Historic Githabul agreement signed' *Northern Rivers Echo* (Lismore, 1 March 2007), 6; 'Githabul to manage land' *Coffs Coast Advocate* (2 March 2007), 11; *Richmond River Express Examiner* (Casino, 7 March 2007), 1; 'History in the making' *Richmond River Express Examiner* (Casino, 7 March 2007), 4; 'Black and white break with past' *Northern Star* (Lismore, 9 March 2007), 14; 'NSW Githabul native title finally settled' *National Indigenous Times* (Malua Bay, 8 March 2007), 5; 'Historic native title deal signed' *Northern Rivers Echo* (Lismore, 8 March 2007), 2; 'Githabul deal signed and sealed - in the



South only' *Southern Free Times* (Warwick, 14 March 2007), 12; 'Historic Land Use Agreement in Place' *Koori Mail* (National, 14 March 2007), 30; 'Githabul people celebrate' *Koori Mail* (National, 14 March 2007), 6.

1-Mar-07 **QLD Land Use Pact** The Douglas Shire Council and a Cape York Aboriginal group 'look set to design a historical land use agreement'. The agreement will 'prescribe access for Indigenous people to traditional lands as well as marking out areas for commercial use including tourism and farming'. *Cairns Post* (Cairns, 1 March 2007), 7.

1-Mar-07 **QLD Council signs Yalanji land use agreement** The Douglas Shire Council signed the Indigenous Land Use Agreement - Eastern Yalanji Area. The details of the agreement are 'under wraps' but Mayor Mike Berwick said that 'it was the most important decision the council has made in 30 years'. The agreement is between the native title parties, the council and the State of Queensland and 'agrees on land uses and access for traditional Indigenous activities, conservation, farming, tourism and other uses'. *Port Douglas & Mossman Gazette* (Port Douglas, 1 March 2007), 6.

2-Mar-07 **QLD State levels criticism at 'flawed' native title claim** The State Government has 'hit back at criticism it was obstructing a native title claim straddling the NSW Queensland border, saying documents prepared by traditional owners were flawed'. Natural Resources Minister Craig Wallace said that 'Queensland had not agreed to a native title determination on its side of the border because the claim provided little supporting information about Queensland'. About 15 per cent of the claim is on Queensland land. The Australian Democrats Senator Andrew Bartlett 'has slammed Queensland Premier Peter Beattie for failing to advance native title on the Queensland side of the Githabul border'. Mr Bartlett said 'it is ludicrous that the Queensland Government is stubbornly refusing to even negotiate with the Githabul people while the NSW Government has completed the process and recognised their valid claims'. *Courier Mail* (Brisbane, 2 March 2007), 15; 'Finger out, Beattie told' *Koori Mail* (National, 14 March 2007), 6.

2-Mar-07 **QLD Land Rights** The local Butchalla people 'who took their land and sea native title claim to the Federal Court have had it accepted and formally registered'. The decision gives the Butchalla the 'legal right "to speak about country" as the Aboriginal party for this area'. *Fraser Coast Chronicle* (Hervey Bay, 2 March 2007), 5.

5-Mar-07 **QLD Traditional rights abuse investigated** The Department of Primary Industries and Fisheries is 'investigating claims some indigenous fishermen are allegedly abusing laws for traditional land owners and selling fish taken en


masse from the Fitzroy River'. The concerns were raised by Darumbal man Lester Adams who 'called for the Indigenous community to support his efforts to stop the activity'. It is 'unclear whether the selling of fish by Indigenous people [is] against the law'. A March court ruling in 2006 has 'set a precedent for Indigenous people to catch fish using traditional methods which are not allowed to other anglers'. Fisheries Minister Tim Mulherin said that 'it is taking considerable time and effort to resolve the matter because [he] wanted to get it right'. Mr Mulherin said that 'while [the issue] may require a legislative response' he said that he had 'been advised that changes to the Fisheries Act 1994 are unlikely to provide the clarity that local communities are seeking in relation to Aboriginal traditional fishing methods'. *Morning Bulletin*, (Rockhampton, 5 March 2007), 8; 'MP casts Native Title net for clues' *Morning Bulletin* (Rockhampton, 21 March 2007), 7.

7-Mar-07 **QLD Mt Wheeler transferred to land trust** The Minister for Natural Resources has handed over a Deed of Grant to the Gawula Aboriginal Trust for 137 ha of land at Mt Wheeler 'after years of negotiations with stakeholders, land holders and the traditional owners'. This is the 'first land to be transferred under the Aboriginal Land Act in the traditional country of the Darumbal people'. *Capricorn Coast Mirror* (Yeppoon, 7 March 2007), 7.

9-Mar-07 **QLD O'Brien calls for new way to break poverty cycles** Member for Cook Jason O'Brien has said that 'we must find a way to give Indigenous people a greater say over the land that is theirs so that they can truly engage in the real economy'. His comments were made in a speech to parliament after the release of the *Partnerships Queensland Baseline Report 2006*. Mr O'Brien said that 'recognition of traditional rights provides some comfort to traditional inhabitants but does not provide a basis for economic development.' According to him, 'native title was not the cure-all and the Government would look at making changes to the Aboriginal Land Act'. *Cairns Post* (Cairns, 9 March 2007), 10.

13-Mar-07 **QLD Land sale still in limbo** The release of residential land in Blackwater 'remains in limbo awaiting ministerial sign-off'. The clearance for the land as freehold is 'being held up in a bureaucratic tangle'. The Department of Natural Resources and Water 'told council it had 72 residential lots over which native title had not been extinguished and which could be sold to council subject to dealing with native title'. 'Land sale still in limbo' *Blackwater Herald* (Blackwater, 13 March 2007), 5.

13-Mar-07 **QLD \$2b Chalco Mine** The Aluminium corporation of China, Chalco is expected to sign a 'final agreement on a \$2.82 billion bauxite mine and



alumina refinery project in Queensland'. Plans are underway for it to 'sign an agreement for a mining rights development license with the Queensland Government as well as a land use agreement with the Aborigines in the area'. Acting Premier Anna Bligh said that the deal was one of the 'largest foreign investment in the state's history'. *Gold Coast Bulletin* (Gold Coast, 13 March 2007), 29; 'Qld and China's Chalco in \$2.8b aluminium deal' *Sunraysia Daily* (Mildura, 24 March 2007), 4; 'Chinese signs \$2.8 bn bauxite, smelter deal' *Weekend Australian* (National, 24 March 2007), 35; 'State and China ser for \$2.8b mine deal' *Cairns Post* (Cairns 24 March 2007), 39.

14-Mar-07 **QLD Radar a \$23m failure: Defence refuses to comment on radar and Malu Sara search** The Surface Wave Extended Coastal Area Radar Project has been 'scrapped' following the realisation that the project was a failure. A department of defence spokesperson said that a 'trial has shown the SECAR is not always effective in locating smaller boats and planes at various distances in all atmospheric conditions'. In order to facilitate the construction of the radar 'an indigenous land use agreement was reached between traditional owners and the government in February 2004'. There is also continuing speculation that the radar was installed to detect the *Malu Sara* which sank with five Torres Strait Islanders on board. *Torres News* (Thursday Island, 14 March 2007), 1.

14-Mar-07 **QLD Another \$50m for Alice upgrade** The Federal government will provide an extra \$50 million into 'transforming Alice Springs' town camps from "hell holes" to mainstream suburbs'. However the plan 'depends on individual Aboriginal claims giving up the Crown land leases they hold on notorious camps'. The funding will be provided to the Northern Territory Government through 'an agreement tied to specific milestones'. *Morning Bulletin*, (Rockhampton, 14 March 2007), 22; 'Holes' turn into suburbs' *Northern Daily Leader* (Tamworth, 14 March 2007), 17; '\$70 plan aims to turn the Alice's camps into suburbs' *Sydney Morning Herald* (Sydney, 14 March 2007), 7; '\$50 m to change camp 'hell holes' *Daily Advertiser* (Wagga Wagga, 14 March 2007), 16; 'Another \$50 m for Alice upgrade' *Daily Examiner* (Grafton, 14 March 2007), 11; *Daily Mercury* (Mackay, 14 March 2007), 10.


21-Mar-07 **QLD Archer wind farm next year** The proposed Archer Point wind farm could be operational by the end of 2008. In August 2006 an Indigenous land use agreement was announced including 8,800 ha of Annan River (Yuku Baja-Muliku) National Park and 1,700ha of Indigenous freehold. A native title claim over 120 sq km at Archer has been lodged with the National Native Title Tribunal in September 2006 but it has not been decided whether or not the claim meets the

registration test standards. *Cooktown Local News* (Cooktown, 21 March 2007), 8.

22-Mar-07 **QLD Aboriginal family of myth busters** Hookey Contracting is 'owned and run by an Aboriginal Family [and] has been financed without a single government grant'. The company is 'proof that negotiations between mining companies and traditional owners can bear financial fruit in the form of business and employment opportunities for Aboriginal Australians'. The Principles Reg and Mandy Hookey said 'their business has grown out of the Gulf Communities Agreement negotiated between Century Zinc (now Zinifex Century Mine), the Queensland Government and local Aboriginal groups' under the right to negotiate provisions of the Native Title Act'. *Courier Mail* (Brisbane, 22 March 2007), 25.

23-Mar-07 **QLD State land lease set to lengthen** Farmers and grazier who are 'leasing state government land will be able to gain longer leases if they improved the conditions of their land under reforms introduced to Queensland'. The Minister for Natural Resources and Water Craig Wallace said the 'Land and Other Legislation Amendment Bill 2007 would facilitate the introduction of the Blueprint for the Bush's State Rural Leasehold and Land Strategy'. The lease extensions will be granted 'if landholders keep their land in good condition, conserve high value areas or allow access by local Indigenous people'. *Rural Weekly insert* (Toowoomba, 23 March 2007), 3; 'Leasehold 'must be overhauled' *Queensland Country Life* (Queensland, 29 March 2007), 8; '50 year leases up for grabs' *Queensland Country Life* (Queensland, 22 March 2007), 3.

24-Mar-07 **QLD Aboriginal unity on Cape Crusade** Aboriginal groups are 'united against the Beattie Government's Wild Rivers Legislation for Cape York after its only Indigenous supporter Murandoo Yanner switched sides'. Mr Yanner said 'that while he had been a supporter of the legislation as it concerned his tribal lands at the bottom of the Gulf of Carpentaria, he has changed his view because of the way the Government has treated Indigenous people on Cape York'. Indigenous groups, led by the Cape York Land Council 'argued the legislation would deny Aborigines the chance to create employment by preventing development in mining, farming and tourism'. Glen Walker from the Wilderness Society has said that the Wild Rivers legislation 'makes sure that destructive activities such as building big dams and introducing invasive fish and weed species...cannot occur in declared healthy river systems'. Mr Walker also said that it 'ensures important activities such as hunting, fishing, visiting sacred sites as well as taking water for stock and domestic use can continue to occur'. He also said that the Queensland Government is committed



to creating new Indigenous wild river ranger jobs and that 'not only are we protecting...our wild rivers, [we] are creating much needed Indigenous employment'. *Weekend Australian* (National, 24 March 2007), 10; 'Wild rivers protection' *The Australian* (National, 26 March 2007), 17.

24-Mar-07 **QLD Native title sorted out: Toolara super tip set to go ahead** Cooloola's plan to erect a dump at Toolara 'now seems set to go ahead, after years of red tape and increasingly unsustainable pressures on existing land fill sites around the shire.' Works Committee Chairman Larry Friske said that there are two remaining issues 'native title and land acquisition matters'. *Gympie Times* (Gympie, 24 March 2007), 4.

01-Apr-07 **QLD \$2.8bn aluminium deal with China** The Queensland Government has signed a \$2.8bn deal with the Aluminium Corporation of China (Chalco) giving it the 'right to mine the Aurukun bauxite resource on Cape York Peninsula'. Acting Premier Anna Bligh said that 'China is an economic powerhouse that is shaping the world economy and this agreement is an enormous vote of confidence in our ability to meet their booming demand for resources'. The Queensland Government is providing \$300m in funding for infrastructure and Chalco is 'now in the final stages of reaching an agreement with the Wik Aboriginal people of the Aurukun region'. *Mining Chronicle* (National, April 2007), 74.

03-Apr-07 **QLD Rough Passage** A gala function attended by Queensland Premier Peter Beattie was interrupted by protestors from the Kowanyama and Staaten Rover who opposed the Wild Rivers legislation affecting the 'scores of creeks and rivers systems that form the lifeblood' of the Gulf of Carpentaria and Cape York. The protestors said that their elders were 'more and more worried about the takeover of [their] homelands by the Wilderness Society because they made an election deal with the Queensland Government'. They said that 'neither the Wilderness Society nor the government asked the Koko Berra people or other Aboriginal communities of the cape what [their] views were on the wild rivers laws'. The protestors were concerned that almost of all the land affected by the legislation was Indigenous although many communities had not been consulted. Natural Resources and Water Minister Craig Wallace said that '[I]ndigenous communities had nothing to gear from the laws'. The laws will not affect native title because it was a Federal Act that can override state law nor will they stop traditional owners from hunting and gathering. However they laws will lock up catchment areas from development. The Cape's Indigenous and agricultural groups and councils have 'joined forces to oppose the controversial laws, fearing they will destroy the economic and social development of the

remote region'. *The Australian* (National, 3 April 2007), 11; 'State buoys up wild rivers laws' *Cooktown local news* (Cooktown, 4 April 2007), 9; 'Community consultation on Wild Rivers Act imminent' *Western Cape Bulletin* (Weipa, 4 April 2007), 11; 'Cape York' *Cairns Post* (Cairns, 16 April 2007), 4.

05-Apr-07 **QLD Bowen Basin included in petrol search** The Queensland Government is releasing 150 000 sq km of land for tendering for petroleum exploration. Minister for Mines and Energy Geoff Wilson said that there will be 41 areas 'available for petroleum exploration' where applicants will not be required to undertake a native title process'. *Daily Mercury* (Mackay, 5 April 2007), 23.

05-Apr-07 **QLD Keppel land transfer** A tenth of the Great Keppel Island has been returned to traditional owners, the Woppaburra people. The land covers 170 ha of the island and is now under the control of the Woppaburra Land Trust. This is the 58th land transfer under Queensland's Aboriginal Land Act. Queensland Deputy Premier Anna Bligh said: 'this handover returns to [the Woppaburra people] a place of spiritual significance and is another step along the path to reconciliation'. Natural Resource Minister Craig Wallace said that 'the deed of grant to the Woppaburra Land Trust was the second in the Rockhampton region this year under the Aboriginal Land Act 1991'. *Daily Telegraph* (Sydney, 5 April 2007), 15; 'Woppaburra people celebrate their land' *Morning Bulletin* (Rockhampton, 10 April 2007), 15; 'Celebrations over Woppaburra land' *Capricorn Coast Mirror* (Yeppoon, 11 April 2007), 3; 'Woppaburra win back Keppel land' *Koori mail* (National, 11 April 2007), 8.

12-Apr-07 **QLD Traditional owners historic victory** Fifteen Indigenous Land Use Agreements will give the Eastern Kuku Yalanji people 'either ownership or joint management of about 230 000 ha of land in north Queensland'. Mostly world heritage rainforest including parts of the Daintree have been handed back to traditional owners and brings an end to 'one of the most complex and drawn out native title claims in Queensland's history'. About 64 000ha of the land has been designated as Aboriginal freehold land and will be used for conservation and 16 500ha will be set aside for residential and economic use. The agreement was signed at the Wujal Wujal; community near Cooktown by elders from the Kuku Yalanji people and premier Peter Beattie. Elder Hazel Douglas said that 'its sad that so many people died while this was being negotiated - they never got to see their land returned to their control...but [the Yalanji saw] this as a new beginning and a chance for the Yalanji and the European people's to live in peace'. Ms Douglas said that 'now w-e have control we can look at ways to bring jobs and property to this area'. Cape York Land Council



chairman Michael Ross said 'the agreement ended a protracted legal fight by the Kuku Yalanji people for control of their land'. *The Australian* (National, 12 April 2007), 6; 'Aboriginal owners get land back' *Ballarat Courier* (Ballarat, 12 April 2007), 16; 'New dawn in land deal' *Townsville Bulletin* (Townsville, 12 April 2007), 11; 'Huge land parcel handed over to Aboriginal owners' *MX (Melbourne)* (Melbourne, 11 April 2007), 2; 'Land handed over in historic agreement' *Cairns Post* (Cairns, 14 April 2007), 11; 'State returns land to traditional owners' *Rural Weekly inset* (Toowoomba, 13 April 2007), 1; 'Nation's biggest native title deal signed at Wujal' *Cooktown Local News* (Cooktown, 11 April 2007), 3; 'Emotional scenes at Cape land deal announcement' *National Indigenous Times* (National, 19 April 2007), 13; 'Historic Pact on Land Management' *North Queensland Register* (Townsville, 19 April 2007), 7; 'Map reveals new Aboriginal land' *Port Douglas & Mossman Gazette* (Port Douglas, 19 April 2007), 4; 'Premier and Eastern Kuku Yalanji people celebrate Land Agreement' *Western Cape Bulletin* (Weipa, 18 April 2007), 3; 'This land is theirs...all 230 000 hectares' *Koori Mail* (National, 25 April 2007), 8.

SOUTH AUSTRALIA

1-Mar-07 **SA Milestone or Petroleum industry access** South Australia has 'achieved a significant Native Title Land access milestone, with the signing of an agreement covering petroleum exploration and production in much of the Cooper Basin'. The 'Conjunctive Petroleum Indigenous Land Use Agreement' is a first for South Australia and 'is Australia's first such agreement covering a proven petroleum producing region'. Mineral Resources Development Minister Paul Holloway said that the 'goodwill established since the implementation of Native Title land access arrangements in South Australia in 2001 has been an excellent foundation for petroleum exploration and production in our state'. Mr Holloway said that the 'agreements represent an evolutionary step in streamlining the processes that enable the grant licenses for petroleum exploration and production'. *Monitor Roxby Downs* (South Australia, 1 March 2007), 5.

7-Mar-07 **SA Oil search on Peninsula** Oil exploration will be carried out in the Yorke Peninsula. Mineral Resources Development Minister Paul Holloway said 'drilling was being carried out in accordance with an approved Statement of Environmental Objectives, developed after extensive consultation with the District Council of Yorke Peninsula, local Aboriginal Heritage Groups, the landowner and neighbouring property owners, along with key government agencies'. *Plains Producer* (Balaklava, 7 March 2007), 10.


17-Apr-07 **SA Two new petroleum licences** The State Government has released 'two new petroleum exploration licenses, taking the area of the state under exploration to more than 155 000 sq km.' There is a license over the Cooper Basin and the Arrowine Basin. These licenses were granted following 'land access agreements reached between exploration companies and native title claimants'. *Adelaide Advertiser*, (Adelaide, 17 April 2007), 32.

VICTORIA

14-Mar-07 **VIC Protecting Aboriginal heritage to be a vital part of planning** Ricky Mullet the Chairman of a new Aboriginal heritage council has 'called for Glenelg Shire Council to start planning how it will work with registered Aboriginal parties under new laws'. Aboriginal groups will 'play an important role in administering the new Aboriginal Heritage Act' in 'evaluating cultural heritage management plans for certain types of activities in identified places, advising on permit applications, entering into cultural heritage agreements and involved in the repatriation of Aboriginal remains'. *Portland Observer* (Portland, 14 March 2007), 5.

15-Mar-07 **VIC Moyne knocks back land transfer** The Moyne Shire council has 'rejected a request to transfer a parcel of land in Port Fairy to the Framlingham Aboriginal Trust.' The Council's environmental and planning director, Greg Anders said 'some submissions were concerned the Framlingham Aboriginal Trust didn't represent the Aboriginal community in the area of the land' and that the 'land should only be transferred to the Gunditjmara and Kirrae Whurrung groups'. *Hamilton Spectator* (Hamilton, 15 March 2007), 9.

21-Mar-07 **VIC Native Title accepted State's second claim beckons** An agreement 'recognising the south-west native title rights of the Gunditjmara people has been struck and could be formalised next week'. The Victorian State Government and the 'Gunditjmara people announced...that they have reached the landmark agreement, paving the way for only the second native title determination in Victoria'. A statement from the Victorian Attorney General's Office read: 'The state and the Gunditjmara have agreed to jointly approach the Federal Court to formally recognise Gunditjmara Native title rights on Crown lands and waters within the claim area'. The Victorian Government has made an in-principle agreement to hand back 140 000 ha of Crown Land to its Indigenous owners. Gunditj Mirring Traditional Owners Aboriginal Corporation chairman Damien Bell said 'it has been 11 years since the original claim was lodged with the Federal Court' and that 'Gunditjmara people look forward to the hearing on March 30 in the expectation that our native title will be finally recognised'. Mr Bell said that the



agreement was 'the best possible outcome as it came as a result of mutual consent following discussions between the parties, rather than a judge's ruling'. Justice Tony North has noted a 'number of times during the last few years about the painfully slow process of the native title application.' *Native Title accepted state's second claim beckons* (Warrnambool, 21 March 2007), 3; 'Second native title deal reached' *Herald Sun* (Melbourne, 22 March 2007), 11; 'State accepts native title' *Portland Observer* (Portland, 23 March 2007), 1; 'South-west title claim agreement' *Hamilton Spectator* (Hamilton, 27 March 2007), 3; 'Mount Eccle title hearing' *Warrnambool Standard* (Warrnambool, 28 March 2007), 4; 'Victorian title claim closer to resolution' *Koori Mail*, (National, 28 March 2007), 6.

24-Mar-07 **VIC Red Tape will strangle economic activity: Ryan** Leader of the Victorian Nationals Peter Ryan has criticised the Bracks government for introducing compulsory Cultural Heritage Management Plans saying that it was more 'red tape'. Mr Ryan said that 'commonly undertaken activities such as subdividing land into more than three lots; planning or extending a vineyard or orchard; and clearing rabbit warrens would require special permits...the process will impose unnecessary cost on farmers, business people and families.' *Sunraysia Daily* (Mildura, 24 March 2007), 11; 'Rural lobby to 'push for bush'' *Hamilton Spectator* (Hamilton, 27 March 2003), 5.


26-Mar-07 **VIC Shire signs 30 year lease for Little Manly riverfront** The Wentworth Shire Council 'has agreed to sign a 30 year lease for the parcel of land which will allow for it to be used for access and camping'. This follows advice from the Native Title Branch confirming that native title has been extinguished over Little Manly Reserve and that the department can now pursue a 30 year lease.' *Sunraysia Daily* (Mildura, 26 March 2007), 3.

03-Apr-07 **VIC Native title rights awarded** The Gunditjmarra people have been 'granted native title rights and interests over 140 000 hectares of land' covering an area from the South Australian border into Western Victoria. In his draft reasons for the judgment Justice North said 'the evidence has included tangible evidence of the development of fishing technology including the existence of fish traps and remains of house sites, suggesting a long standing connection with the country'. Justice North said that 'by doing justice to the Gunditjmarra people, the State, the Commonwealth and the other respondents have taken a step to right past wrongs [forming] a basis for reconciliation between Indigenous and non-Indigenous Australians'. Under the Federal Court determination, the Gunditjmarra people will have non-exclusive rights and interests to 'more than 2000 parcels of vacant Crown land and waters including part of the Glenelg River and areas

of national parks and reserves'. The Gunditj Mirring traditional Owners Aboriginal Corporation will hold the land on trust for the Gunditjmarra people. National Native Title Tribunal member Gaye Sculthorpe said that the result 'was a great win for the Gunditjmarra people who were able to provide the necessary evidence to support their native title claim'. The initial claim was lodged in 1996 in 'response to notices the Victorian Government published, signalling its intention to grant exploration licenses and allow development of a gas transmission pipeline'. This is the 100th Native title determination to be registered in Australia. *Border Watch* (Mt Gambier, 3 April 2007), 7; 'Title granted: eleven year struggle ends for Gunditjmarra' *Hamilton Spectator* (Hamilton 3 April 2007), 1; 'Gunditjmarra granted title' *Portland Observer* (Portland, 2 April 2007), 1; 'Gunditjmarra win Vic native title fight' *National Indigenous Times* (National, 5 April 2007), 4; 'The fighting Gunditjmarra win native title rights' *National Indigenous Times* (National, 5 April 2007), 24; 'What is the claim all about?' *Hamilton Spectator* (Hamilton, 14 April 2007), 6; 'Gunditjmarra win native title battle' *Koori Mail* (National, 11 April 2007), 9.

04-Apr-07 **VIC Housing site 'sacred'** The Bunurong Land Council has said that the development of the Botanic Ridge estate could 'destroy up to 19 significant sites'. The sites were unearthed during work on the Casey Council approved Leederville development. The Bunurong land Council's senior cultural officer Stephen Comptom said that artefacts such as tools and spearheads were discovered Mr Comptom said that 'his council wrote to the Department of Aboriginal Affairs when the sites were exposed asking they be protected'. *Cranbourne Leader* (Melbourne, 4 April, 2007), 1.

05-Apr-07 **VIC Milestone Agreement** An official agreement between GWMWater and Indigenous land owners 'will ensure that cultural heritage is maintained and monitored during construction of the Wimmera-Mallee Pipeline'. The agreement incorporates a range of initiatives 'which means the rights of the Barengi Gadjin people and their traditional land will be protected'. Barengi Gadjin Land Council chairperson Nancy Harrison said that 'it was vital that everyone involved in the pipeline project worked together and took native title and cultural heritage values into account'. This is the first major agreement between an external body and traditional owners in Victoria since the Wotjobaluk agreement. *Wimmera Mail Times* (Horsham, 5 April 2007), 5; 'Pipeline agreement reached' *Dimboola Banner* (Dimboola, 11 April 2007), 2; 'Agreements with leaders' *Hopetown and Mallee Pioneer* (Hopetown, 12 April 2007), 2; 'Pipeline agreement with traditional owners' *North Central News* (St Arnaud, 18 April 2007), 8; 'Pipeline Agreement applauded' *Warracknabeal Herald* (Warracknabeal, 17 April 2007), 3.



16-Apr-07 **VIC Minerals license** The Minister for Energy and Resources Peter Batchelor has 'announced new exploration licenses for mineral exploration in the Benambra and Walhalla Woods Point areas'. This announcement follows the 'highest ever recorded quarterly level of mineral exploration expenditure'. Flinders Resources P/L Sedimentary Holdings Ltd, Goldstar Resources NL and Alan Marlow 'have been awarded priority to explore for minerals in the Walhalla-Woods Point area'. The successful companies will be granted licenses on the completion of Native Title processes. *Bairnsdale Advertiser* (Bairnsdale, 16 April 2007), 19.

23-Apr-07 **VIC Legal boost for Aboriginal sites** Developers will now be 'forced to consider culturally sensitive sites before getting permission to disturb land under state laws to be introduced next month'. They will be required to 'complete cultural heritage plans before getting planning permission for projects including commercial subdivisions, wind farms, roads warehouse and factories'. Under current legislation, Aboriginal heritage is not dealt with until the construction stage. The Minister for Aboriginal Affairs Gavin Jennings said that 'the new rules would give developers clarity over responsibility for uncovering or damaging sensitive sites'. *Age* (Melbourne, 23 April 2007), 4.

WESTERN AUSTRALIA

1-Mar-07 **WA Peabody Wilpingjong Part II update** The US based energy firm Peabody Energy has recently acquired Excel Coal and has been expanding its operations. Wilpinjong general manager Keith Downham said that 'we are employing Indigenous administration trainees and we will run a ready for work program as a part of our native title agreement'. Mr Downham also said 'we are aiming to take on Indigenous trainees as operators'. *Mining Chronicle* (National, March 2007), 36.


1-Mar-07 **WA Super Pit set to be given new lease on life** Kalgoorlie Consolidated Gold Mines (KCGM) will be extending the life of its Super Pit mine by another five years to 2017. KCGM general manager Russell Cole said that 'Aboriginal people from Coolgardine, Kalgoorlie and Coonana, who have long-term associations with the region, have been consulted'. Mr Cole said 'we have liaised with them on a number of occasions regarding our operations, plus local elders which have detailed knowledge of the region's totemic geography have visited the area'. *Mining Chronicle* (National, March 2007), 69.

1-Mar-07 **WA Eastern Guruma native title first for central Pilbara** The Eastern Guruma people have 'secured native title rights to more than 6000 sq km of mineral rich land in Central Pilbara'. The determination 'resolves who holds native title rights

over almost all the claim area except for an area of land around Tom Price' (which will be considered at a later date). The agreement recognises 'the Eastern Guruma people non exclusive rights to remain on the land, camp, hunt, fish, gather and engage in rituals and ceremonies'. National Native Title Tribunal Member John Catlin said that 'it guaranteed the Eastern Guruma people would be consulted about future land development'. Mr Catlin also said that 'despite the positive approach the entire process has been very lengthy' and that 'the resolution of this claim was assisted by the pre-existing indigenous land use agreement between the Eastern Guruma people and Hamersley Iron and a willingness on behalf of all the other parties to work together'. *Media Release* (National Native Title Tribunal, 1 March 2007); '*Historic native title claim near Tom Price*' *Pilbara News* (Pilbara, 7 March 2007), 9; 'WA leads the way in NT' *Farm Weekly* (Western Australia, 8 March 2007), 202; 'Title ruling for Pilbara group' *Koori Mail* (National, 14 March 2007), 4; 'State agrees to native title over mineral rich area' *West Australian* (Perth, 28 March 2007), 15; 'Native Title Recognition in Mineral Rich Pilbara Region' *Office of Native Title Newsletter* (Perth, March 2007).

1-Mar-07 **WA KLC not happy over challenge** The Kimberley Land Council (KLC) has made a call for a 'better approach to negotiate native title' after the appeal process for the Bardi Jawi native title claim. KLC executive director Wayne Bergmann 'expressed disappointment that both the Bardi Jawi and...Rubibi claims were going to appeal hearings before the Federal Court'. Mr Bergmann said that 'these appeals highlight the fact that the native title system and approach is geared towards legal processes and not by agreement'. He said that the 'Commonwealth and State need to redirect their legal advice to focus on agreements'. Mr Bergmann also said that 'claims for recognition of native title in the Kimberley are extremely strong; it is clear that Kimberley Aboriginal people have retained their native title rights..what we need are specialised units within State and Commonwealth Governments that are focused and resourced to settle native title by agreement and not litigation'. *Kimberley Echo* (Kununarra WA, 1 March 2007), 10.

1-Mar-07 **WA Trainee partnerships** The mining company Midwest Corporation and Perenjori Shire are training eight men from the Wadjirri Yamatji Native Title Group with a 'view to provide future employment opportunities for the participants in the booming resources sector'. This is a part of a broader plan to employ more members of the Yamatji Native Title Group in projects at Jack Hills and the Weld Range. *Mid West Times* (Geraldton, 1 March 2007), 12.



1-Mar-07 WA **Many miners benefit from Government moratorium** There have been discussions on the conversion of mining lease back into exploration licenses. The State Government closed applications for the reversion process which was facilitated by the 2006 changes to the Mining Act. However Resources Minister Francis Logan said that the 'initiative could not be reinstated again because it meant further altering the Mining Act'. Mr Logan said that 'simplifying the mining license process was hindered by native title issues'. *Kalgoorlie Miner* (Kalgoorlie, 1 March 2007), 13.

2-Mar-07 WA **Court grants more time to Wongatha claimants** Federal Court judge Kevin Lindgren has 'granted more time to the Wongatha native title claimants to consider an appeal after he dismissed their claim last month'. The Goldfields Land and Sea Council has 'welcomed the extra time to appeal which was extended to 60 days' which means that the claim can remain on the Register of Native Title Claims until March 13. *Kalgoorlie Miner* (Kalgoorlie, 2 March 2007), 5; 'Wongatha people granted extension on appeal decision' *Koori Mail* (National, 14 March 2007), 9.

7-Mar-07 WA **Environment benefits from new documents** The members of the Ballardong Noongar community has come together to celebrate the Ballardong Noongar Budjar: Healthy Country, Healthy People report which 'has been written to document the importance of looking after the land, retaining vegetation and animals in the environment'. The report 'provides the community with an opportunity to encourage greater involvement and connection to their land to younger members of the Noongar community'. *Merredin-Wheat belt Mercury* (Merredin, 7 March 2007), 2.

8-Mar-07 WA **Pipeline meeting tonight** An update on the Geraldton and North Hampton pipeline has been delivered to 'reassure residents progress is being made'. Water Corporation Acting Regional Manager Steven Greeve said 'planning for the pipeline was advanced and construction on the pipeline would commence as soon as approval in a range of different fields was granted'. This includes issues such as 'native title, rare flora and fauna, land ownership and engineering of the pipeline'. *Mid West Times* (Geraldton, 8 March 2007), 11.

8-Mar-07 WA **New title claim for LNG target** Kimberley Land Council Chairman Wayne Bergman has 'accused mining giant Woodside of failing to negotiate with traditional landowners on the Dampier Peninsula'. The Nyul Nyul people have lodged a new native title claim over Beagle Bay and Perpendicular Point 'one of seven site favoured by Woodside for its Browse Basin LNG plant'. Nyul Nyul spokesperson Philomena Lewis said that 'its very heartbreaking and most of the people are upset


about it - but there's no way we can ever stop that because the government will just walk right over us'. Mr Bergman said that 'he was not satisfied the consultation process conducted by Woodside so far has been fair'. Sue Jones, Chair of the Woodside community reference group 'believed the Indigenous community had been consulted.' *Broome Advertiser* (Broome, 8 March 2007), 7.

10-Mar-07 WA **It is time for action, not words** Key note speaker Fred Chaney has spoken 'very plainly about the lack of real progress in reconciliation during the last 40 years'. Mr Chaney is currently the chairman of Desert Knowledge Australia, deputy president of the National Native Title Tribunal and the director of Reconciliation Australia'. Mr Chaney said that he was leaving the National Native Title Tribunal because 'he has become dissatisfied with the legal aspects of native title' and 'has urged governments to seek more political solutions rather than rely on legal judgments'. *Kalgoorlie Miner* (Kalgoorlie, 10 March 2007), 35; 'Looking at solutions' *Kalgoorlie Miner* (Kalgoorlie, 14 March 2007), 1; 'Native Title mired in legalities' *West Australian* (Perth, 16 March 2007), 41; 'Rethink needed' *Koori Mail* (National, 28 March 2007), 21.

13-Mar-07 WA **Proposal for Land Excise from Moola Bulla** Tom Stephens the Member for Central Kimberley and Alannah MacTiernan the Minister for Planning and Infrastructure have attended a meeting at the Kimberley language resource centre to discuss the 'proposal for the land excise from Loola Boola Pastoral Station to be handed back to the people affected by the Stolen Generation'. The Government representative 'stated that they had spoken to the Native Title Holders that morning about releasing the titles and it is believed that quite a few Native Title Holders are quite reluctant at this stage'. The Government has said that it will be '1-2 years before anything happens'. Under the proposal, 'those who are successful at obtaining land will have freehold land'. However issues have been raised in relation to how succession should be decided. *Halls Creek Herald* (13 March 2007), 7.

21-Mar-07 WA **Water Corporation indigenous initiative** Rowena Roberts has been appointed as the Indigenous Community Relations Officer to the Water Corporation Mid West Region. According to Mid West regional business manager Hugh Lavery, her appointment is 'one of the early steps in the implementation of an Indigenous Engagement Strategy [which] focuses on native title and Indigenous heritage management, improved cultural connections and awareness throughout the corporation.' *Northern Guardian* (Carnarvon, 21 March 2007), 7.

29-Mar-07 WA **Training for gain, Oxiana digs deep for the right workers** Mining company Oxiana



is having problems finding staff. The 'resources boom' had put a squeeze on trained staff and left resources companies...with a shortage of labour and an escalating wages bill'. Oxiana introduced a preemployment training program 'offering long term unemployed people a six month training course through TAFE and then a job at the company's mine'. David Pearce chief executive of the Bungala Aboriginal Corporation said that it was a 'sad reality that despite the mining boom that is bringing unprecedented wealth to resource rich parts of Australia, Aboriginal people are ill equipped to find work in the rapidly growing sector'. *The Age* (Melbourne, 29 March 2007), 2.

05-Apr-07 WA **Native title agreement** The Pastoralists and Graziers' Association (PGA) has 'applauded the Eastern Garuma consent determination as a positive way forward for future Aboriginal access negotiations on WA pastoral leases'. The claim covers an area of 8000 sq km in the Pilbara region. PGA President Sandy McTaggart said 'ratification of the ILUA by the Federal Court this month was proof that native title parties could achieve results outside the court system by deal with the claim in a legal rather than a political environment'. Mr McTaggart said that the 'access agreement for Coolawanyag Station was negotiated by independent legal firms for both sides'. He said that 'key aspects included the agreement of claimants on issues such as accepting their own insurance liabilities while on the property and not opposing future tenure upgrades for the owners.' PGA policy director Dr Henry Esbenschade said that 'it was the...time public liability insurance had been part of an agreement and that an ILUA has been linked to a consent determination'. Negotiations over access to larger area have been stalled with Kim Parsons, lessee of Coolawanyag Station explaining that 'negotiations are currently breaking down due to [Pilbara Native Title Service's] requests falling outside the Native Title framework'. *Farm Weekly* (Western Australia, 5 April 2007), 154.

10-Apr-07 WA **Smaller native title claims are wanted** The Goldfields Land and Sea Council has requested that the State Government 'allow new smaller claims lodged in the wake of the Federal Court's dismissal of the Wongatha native title claim to bypass the Court's trial system'. Executive Director Brian Wyatt said that 'before Wongatha, Aboriginal people had a right to negotiate before a tenement was granted. ...it was a bureaucratic process but at least there was a process'. Mr Wyatt said that 'the Wongatha decision has left a gaping hole in heritage protection and the hole needs patching quickly. ...if it isn't the mining sector, government and Aboriginal people will all be burdened with unnecessary delays'. He had 'written to the State Government asking that new claims be settled through a fast tracked consent determination

process'. Justice Lindgren had dismissed a combined application but 'left open the way for groups or individuals to reapply with multiple smaller claims'. *Kalgoorlie Miner* (Kalgoorlie, 10 April 2007), 3; 'Pleas for native title claims to be fast tracked' *Golden Mail* (Kalgoorlie, 13 April 2007), 4; 'Goldfields native title process 'in chaos' *West Australian* (Perth, 30 April 2007), 5; 'Native title claims fall into chaos' *Kalgoorlie Miner* (Kalgoorlie, 30 April 2007), 3; 'Goldfields native title process 'in chaos' *West Australian* (Perth, 20 April 2007), 5.

10-Apr-07 WA **Miners lash out at WA red tape** The WA mining industry has said that 'the industry was tied up in red tape five years after a Government review made 56 recommendations on how to streamline approvals'. They said that the 'backlog of mining and exploration licenses, mostly caused by native title and heritage issues, was holding up exploration and threatened to stall the mining boom underpinning WA's growth'. This position has been supported by a research conducted by the Fraser Institute, an Independent Canadian economic and social research group and reports by the WA Chamber of Minerals and Energy and Ernst and Young. Association of Mining and Exploration Executive Justin Walawski said that 'companies have been paying rentals to the Government for...land and have not been able to get access even though they are legally entitled to it'. *West Australian* (Perth, 10 April 2007), 4; 'Miners lash out as red tape creates log jam' *Pilbara News* (Pilbara, 18 April 2007), 8.

13-Apr-07 WA **Support sought for appeal** Councils in Western Australia are 'being asked to support a Supreme Court appeal by the Shire of Derby/West Kimberley over the rating of pastoral land managed by Aboriginal corporations'. According to the Local Government Association, the State Administrative Tribunal upheld 'a claim from a North West Indigenous group to be exempt from council rates'. The exemption was based on the fact that the 'whole of the land was being used exclusively for a charitable purposes'. However, a circular to the councils stated that 'the land is run as a pastoral station and the council deemed the property rateable as it believed a pastoral station was not a charitable purpose'. *Kalgoorlie Miner* (Kalgoorlie, 13 April 2007), 3.

14-Apr-07 WA **Labouring to find staff** Mining companies have developed a 'serious interest in employing as many local indigenous workers as they can find'. SAMPEG chairman Mr Ian Gould said 'there is nothing all that altruistic about the movement to employ local Aboriginals - the miners need them because with WA, SA and Queensland booming, there was a real shortage of experienced or well trained workers' and 'Aboriginal people were keen to get involved because they saw it as a

chance to get a real job on country'. Escalating wages has lead Oxiana to 'introduce pre-employment training...offering long term unemployed people a six-month training course through TAFE and then a job at the company's mine'. Rio Tinto is also recruiting Indigenous workers to fill jobs as fly in and fly out workers. Rio Tinto iron ore human resources manager, Rick Briant, said that 'Broome also has extensive employment programs running so that's why we work in conjunction with the CDEP's there to make sure that people , when they're ready for work, have an opportunity to take jobs with us'. Recently, Prime Minister John Howard has urged Australia's top 100 businesses to increase Indigenous employment. The Minerals Council said that 'it been working alongside Indigenous Australians for more than a decade but welcomed the encouragement from Mr Howard'. Chief executive Mitch Hooke said that 'it does not hurt for extra encouragement from Mr Howard'. *Independent Weekly* (Adelaide, 14 April 2007), 16; 'PM push for indigenous workers' *Burnie Advocate* (Burnie, 17 April 2007), 12; 'Aboriginal Business' *The Australian* (National, 17 April 2007), 13; 'Employ blacks, PM tells business' *Canberra Times* (Canberra, 17 April 2007), 2; 'Rio increases indigenous jobs' *Kimberley Echo* (Kununurra, 12 April 2007), 8; 'Job creation key to Indigenous policy' *Mining Chronicle* (National, April 2007), 77; 'Century's unique partners' *North West Star* (Mount Isa, 20 April 2007), 17; see also 'Cost blowouts looms at Rio's Argyle mine' *West Australian* (Perth, 28 April 2007), 70.

17-Apr-07 **WA Hearing on native title** The full bench of the Federal Court has 'begun hearing an appeal by the West Australian and Federal Governments against the granting of native title over Perth'. In September 2006 the court 'upheld the Indigenous Noongar people's native title claim over more than 6000sq km of Perth and its surrounds'. Both the Federal and State governments are arguing that the decision was 'inconsistent with previous native title rulings'. Ken Petit lawyer for the State of Western Australia said that 'there is no evidence that the people of the South West of WA had an identity as a distinct group. People in the claim area in 1829 did not think of themselves as the same or unified in

any other sense'. But South West Aboriginal Land and Sea Council chief executive Glen Kelly said that 'the appeal went far beyond the clarification of the laws by questioning the Noongar's people's connection with the land'. NNTT president Graeme Neate said that 'it is clear from recent judgments that in some parts of Australia, groups of Aboriginal people will find it difficult, if not impossible to demonstrate that their relationship to their traditional country meets the standard for a determination that native title exists'. This means that 'the only hope many indigenous Australians have of seeing their land rights recognised is a private company or government agreeing to give them some rights or privileges in relation to their land'. *Daily Telegraph* (Sydney, 17 April 2007), 12; 'Link disputed in Perth native title appeal' *West Australian* (Perth, 17 April 2007), 10; 'Native title claim 'face big hurdles' *Age* (Melbourne, 20 April 2007), 8; 'Federal Court Begins Perth native title case' *National Indigenous Times* (National, 19 April 2007), 13; 'Court hears Perth native title appeal' *Koori Mail* (National, 25 April 2007), 12.

19-Apr-07 **WA Historical land returned to Indigenous community** Community leaders 'attended a ceremony at Lake Pleasant View to see the ownership of land returned' which has been bought under the Indigenous Land Corporation's new Cultural Acquisition program. The land will be managed by the Albany Heritage Reference Group Aboriginal Corporation. Department of Indigenous Affairs regional manager Anthony Galante said that: 'its a real significant milestone because its effectively the handing back of land to Aboriginal care and control'. There's been a long term Aboriginal connection as demonstrated by archaeological evidence that dates back between 7000 and 12000 years'. The Albany Heritage Reference Group Aboriginal Corporation is required to produce a management plan for the property and once it has been endorsed by the ILC the land will be transferred to the reference group. *Albany Advertiser* (Albany, 19 April 2007), 4.

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APPLICATIONS LODGED WITH THE FEDERAL COURT

Native title applications lodged by date

DATE FILED	APPLICATION NAME	APPLICATION TYPE	STATUS	STATE/TERRITORY	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
20/03/2007	Wiradjuri People of the Bathurst/Lithgow/Mudgee area	CLAIMANT	ACTIVE	NSW	NC07/3	NSD429/07

20/03/2007	Gomeri Narrabri People	CLAIMANT	ACTIVE	NSW	NC07/2	NSD437/07
29/03/2007	Kulkalgai People #2	CLAIMANT	ACTIVE	QLD	QC07/3	QUD98/07
29/03/2007	Tipperary (KAMU)	CLAIMANT	ACTIVE	NT	DC07/1	NTD8/07
23/04/2007	Western Yalanji Combined #5 and #7	CLAIMANT	ACTIVE	QLD	QC07/4	QUD6003/01
27/04/2007	Johnson and Kendall Grange	NON-CLAIMANT	ACTIVE	NSW	NN07/3	NSD729/07

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/applications/](http://www.nntt.gov.au/applications/) accessed 11 May 2007. For further information about native title applications contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

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REGISTRATION TEST DECISIONS

Registration test decisions by decision date

DECISION DATE	APPLICATION DATE	APPLICATION NAME	STATE/ERR.	DECISION	NNTT FILE NO.	FEDERAL COURT FILE NO.
16/03/2007	22/11/2006	Pine Hill Station	NT	ACCEPTED	DC99/4-2	NTD6004/99
5/04/2007	2/11/2006	Boonthamurra People	QLD	NOT ACCEPTED	QC06/15-1	QUD435/06
20/04/2007	20/03/2007	Wiradjuri People of the Bathurst/Lithgow /Mudgee area	NSW	ACCEPTED	NC07/3-1	NSD429/07
20/04/2007	20/03/2007	Gomeri Narrabri People	NSW	ACCEPTED	NC07/2-1	NSD437/07
20/04/2007	21/12/2006	Mantjintjarra Ngalia #2	WA	NOT ACCEPTED	WC06/6-1	WAD372/06
23/04/2007	6/11/2002	Indjilandji/Dithan noi	QLD	ACCEPTED	QC02/36-2	QUD6034/02
24/04/2007	28/09/2006	Bidjara People #5	QLD	NOT ACCEPTED	QC06/13-1	QUD370/06

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/cgi-bin/search/search.pl?dec_date=2007&col=registration&sorttype=dec_date&disp=true&list=dec_date](http://www.nntt.gov.au/cgi-bin/search/search.pl?dec_date=2007&col=registration&sorttype=dec_date&disp=true&list=dec_date) accessed 11 May 2007. For further information about Registration Test Decisions contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

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APPLICATIONS CURRENTLY IN NOTIFICATION

Native title applications by current notification of applications

NOTIFICATION CLOSING DATE	APPLICATION NAME	APPLICATION TYPE	DATE FILED	STATE/TERRITORY	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
27/05/2007	Town of Batchelor No. 3	CLAIMANT	20/10/2006	NT	DC06/4	NTD18/06
28/05/2007	Bundambar Pty Ltd	NON-CLAIMANT	9/01/2007	NSW	NN07/1	NSD37/07



13/06/2007	Ngurrulpa	CLAIMANT	8/12/2006	WA	WC06/5	WAD357/06
27/06/2007	Mitakoodi and Mayi Peoples #4	CLAIMANT	28/07/2006	QLD	QC06/9	QUD295/06
27/06/2007	Kalkadoon People #5	CLAIMANT	13/01/2006	QLD	QC06/2	QUD15/06
27/06/2007	Kalkadoon People #4	CLAIMANT	22/12/2005	QLD	QC05/12	QUD579/05
10/07/2007	NSW Minister for Lands #11	NON-CLAIMANT	7/02/2007	NSW	NN07/2	NSD158/07

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/cgi-bin/search/search.pl?col=ntapplications&browse=notifications_current&sorttype=notification_closing_date](http://www.nntt.gov.au/cgi-bin/search/search.pl?col=ntapplications&browse=notifications_current&sorttype=notification_closing_date) accessed 11 May 2007. For further information about native title applications in notification contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

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ILUAS

Registered Indigenous Land Use Agreements by date

TRIBUNAL FILE NO.	NAME (NNTT HYPERLINK)	TYPE	STATE/TERR.	REGISTRATION DATE	SUBJECT MATTER
QI2005/019	Ergon - Mer ILUA	BODY CORPORATE AGREEMENT	QLD	20/4/2007	INFRASTRUCTURE
QI2005/029	Port Curtis Coral Coast People Land Dealings	AREA AGREEMENT	QLD	18/4/2007	DEVELOPMENT
QI2005/011	Bar Barrum Small Mining ILUA	AREA AGREEMENT	QLD	12/3/2007	MINING

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/ilua/bydate_index.html](http://www.nntt.gov.au/ilua/bydate_index.html) accessed 10 May 2007 For further information about Indigenous Land Use Agreements contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.


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DETERMINATIONS

Native title determinations by determination date

SHORT NAME	CASE NAME	DATE	STATE/TE RR.	OUTCOME	LEGAL PROCESS
Noonkanbah	Cox on behalf of the Yungngora People v State of Western Australia [2007] FCA 588	27/4/2007	WA	NATIVE TITLE EXISTS IN THE ENTIRE DETERMINATION AREA	CONSENT DETERMINATION
Gunditjmara	Lovett on behalf of The Gunditjmara People v State of Victoria [2007] FCA 474	30/3/2007	VIC	NATIVE TITLE EXISTS IN PARTS OF THE DETERMINATION AREA	CONSENT DETERMINATION
Bahtabah	Bahtabah Local	20/3/2007	NSW	NATIVE TITLE	UNOPPOSED





Local Aboriginal Land Council #2	Aboriginal Land Council v New South Wales Native Title Services Limited [2007] FCA 383			DOES NOT EXIST	DETERMINATION
Bahtabah Local Aboriginal Land Council #1	Bahtabah Local Aboriginal Land Council v New South Wales Native Title Services Limited [2007] FCA 382	20/3/2007	NSW	NATIVE TITLE DOES NOT EXIST	UNOPPOSED DETERMINATION
Eastern Guruma	Muntulgura Guruma (Part A)	01/3/2007	WA	NATIVE TITLE EXISTS IN THE ENTIRE DETERMINATION AREA	CONSENT DETERMINATION

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/ntdetermination/bydate_index.html](http://www.nntt.gov.au/ntdetermination/bydate_index.html) accessed 11 May 2007. For further information about native title determinations contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

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THE NATIVE TITLE RESEARCH UNIT

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