

Native Title in the News - August 2011

Date	State	Subject	Summary	Source
01/08/11	WA	Goolarabooloo Jabirr Jabirr agreements and Woodside protests	<p>The Western Australia State government, the Goolarabooloo Jabirr Jabirr native title claimant group and Woodside Energy signed three native title agreements to secure access to land at James Price Point to build a gas processing plant. The agreements are available for viewing at the Department for State Development website at: http://www.dsd.wa.gov.au/8416.aspx.</p> <p>Twenty-five people were arrested in July as police removed protesters from the road as they attempted to block the bulldozers from entering the James Price Point region. Despite the protests, Woodside has continued clearing work at James Price Point as well as seabed geotechnical survey activities.</p>	<p><i>Mining Chronicle</i> (National AU, 1st August 2011), 1. <i>Northern Times</i> (Kerang VIC, 12th August 2011) 3. <i>Broome Advertiser</i> (Broome WA, 11th August 2011), 3.</p>
04/08/11	WA	Yindjibarndi Aboriginal Corporation appeal dismissed	<p>Fortescue Metals Group (FMG) insists it has all the approvals needed to proceed with the Solomon iron ore project, however the Yindjibarndi Aboriginal Corporation (YAC) have stated that FMG could not legally begin mining until it met State imposed consent conditions for the protection of Yindjibarndi heritage. YAC has also objected to a compensation deal struck between Fortescue and Wirlu-Murra Yindjibarndi Aboriginal Corporation, to mine the Solomon project area. The deal comprises \$4 million a year in cash and \$6.5 million a year in housing, jobs, training and business opportunities.</p> <p>The Yindjibarndi people had been in negotiations with FMG over applications for mining leases, which led to the publicised breakdown of negotiations and the split within the Yindjibarndi community. Whilst trying to negotiate a deal at the National Native Title Tribunal earlier this year, YAC argued that the FMG mining lease would damage ceremonial sites, and that the interference with their religion was barred by s. 116 of the Constitution, which prohibits laws for restricting freedom of religion. The Tribunal determined that the future acts – the grant of those mining leases – could be done.</p> <p>The Yindjibarndi people appealed that determination to the Federal Court, which upheld the Tribunal’s determination. The Yindjibarndi</p>	<p><i>Canberra Times</i> (Canberra ACT, 4th August 2011), 13. <i>Daily Advertiser</i> (Wagga Wagga NSW, 13th August 2011), 57. <i>Kalgoorlie Miner</i> (Kalgoorlie WA, 13th August 2011), 27. <i>Australian Financial Review</i> (Australia, 13th August 2011), 14. <i>Mercury</i> (Hobart TAS, 13th August 2011), 33. <i>Shepparton News</i> (Shepparton VIC, 13th August 2011), 44. <i>Newcastle Herald</i> (Newcastle NSW, 13th August 2011), 39. <i>Herald Sun</i> (Melbourne VIC, 13th August 2011), 79. <i>Weekend Gold Coast</i> (Gold Coast QLD, 13th August 2011), 109. <i>Sydney Morning Herald</i> (Sydney NSW, 13th August 2011), 5. <i>Sunraysia Daily</i> (Mildura VIC, 13th August 2011), 33. <i>Courier Mail</i> (Brisbane QLD, 13th August 2011), 76. <i>Advertiser</i> (Adelaide SA, 13th August 2011),</p>

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			<p>people appealed McKarracher J's decision to the Full Federal Court on administrative law grounds. This was dismissed by the Full Court of the Federal Court of Australia in Perth, comprising Justice Mansfield, Justice North and Justice Gilmour (see the case summary in the August 2011 edition of 'What's New'). The YAC stated it was likely the decision would be appealed in the High Court.</p>	<p>76. <i>Northern Territory News</i> (Darwin NT, 13th August 2011), 36. <i>National Indigenous Times</i> (Malua Bay NSW, 18th August 2011), 24. <i>North West Telegraph</i> (South Hedland WA, 17th August 2011), 6. <i>Business News</i> (Perth WA, 18th August 2011), 2. <i>Pilbara News</i> (Pilbara WA, 17th August 2011), 3. <i>National Indigenous Times</i> (Malua Bay NSW, 18th October 2011), 24.</p>
09/08/11	NSW	<p>Dunghutti Elders Council may appeal to High Court</p>	<p>On 11 February 2011, the Office of the Registrar of Indigenous Corporations (ORIC) issued the Dunghutti Elders Council (DEC) with a show cause notice amid concerns about the governance of the DEC and its use of native title monies held in trust. On 24 February 2011 the DEC applied to the Federal Court for an injunction to prevent the Registrar from placing the corporation under special administration.</p> <p>On 21 July 2011 the Full Court of the Federal Court dismissed a Dunghutti Elders Council (DEC) appeal against the show cause notice issued by the ORIC. The DEC then lodged another appeal against the 21 July decision, arguing there was a defect in the judgment handed down by the Full Court. Legal representatives for the DEC have asked that the Court reopen or vacate the decision it made on 21 July and indicated that if the appeal is dismissed, they may seek special leave to appeal to the High Court of Australia.</p> <p>This appeal has subsequently been dismissed. See Dunghutti Elders Council (Aboriginal Corporation) RNTBC v Registrar of Aboriginal and Torres Strait Islander Corporations (No 2) [2011] FCAFC 110 or the August 2011 edition of 'What's New' for a case summary.</p>	<p><i>Macleay Argus</i> (Kempsey NSW, 9th August 2011), 2. <i>Macleay Argus</i> (Kempsey NSW, 23rd October 2011), 5. <i>Macleay Argus</i> (Kempsey NSW, 19th August 2011), 2.</p>

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10/08/11	WA	Native title deal signed	<p>The Kariyarra people have signed off on a native title deal with the Western Australia State government which will provide the State with more than 3000ha of land for development and will allow for the future expansion of the South Hedland town and an expansion of the Port Hedland port.</p> <p>In return for granting access to the land, the Kariyarra people will receive a percentage of profits from each lot sold by the State. Traditional owners will also receive parcels of land to develop and sell to resources companies.</p> <p>Regional Development and Lands Minister Brendon Grylls said the agreement would bring significant benefits to the traditional owners and would also make land available for the government's growth plans for the region. 'This agreement helps the State move towards the Pilbara Cities vision and it forms the basis of a strong and successful relationship with the Kariyarra people,' he said.</p>	<p><i>North West Telegraph</i> (South Hedland WA, 10th August 2011), 2. <i>West Australian</i> (Perth WA, 10th August 2011), 20, 19. <i>Business News</i> (Perth WA, 11th August 2011), 4.</p>
12/08/11	VIC	Wadi Wadi, Wamba Wamba and Barapa Barapa native title claim negotiations underway	<p>Wadi Wadi, Wamba Wamba and Barapa Barapa traditional owners have had a native title application before the Federal Court for more than ten years. On Friday 12 August to Sunday 14 August traditional owners attended a meeting in Swan Hill where a team of approximately twenty people representing the three groups was formed to negotiate a settlement with the State government of Victoria.</p> <p>Signatory to the original native title claim, Gary Murray said the team would seek 'tangible outcomes' in talks expected to take about twelve months. The group's lawyer Tony Kelly said if the settlement was successful the native title claim would be withdrawn. He said many of the outcomes from the meeting were confidential and would be important in the upcoming negotiations with the State. The negotiating team will hold its first meeting with government representatives on 19 August 2011.</p>	<p><i>Swan Hill Guardian</i> (Swan Hill VIC, 12th August 2011), 1, 3. <i>Northern Times</i> (Kerang VIC, 12th August 2011), 3.</p>

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12/08/11	SA	Ngadjuri people sign native title agreement	<p>The Ngadjuri people, whose lands lay in the mid north of South Australia, have signed a native title agreement with iron ore miner, Royal Resources. The company has agreed to employment and educational scholarship measures for the Ngadjuri people. Ngadjuri Nation Chairman Quenten Agius said the Ngadjuri people looked forward to working with Royal Resources. 'Royal Resources understood our concerns around Aboriginal culture and heritage and addressed those issues during our negotiations,' he said.</p>	<p><i>Advertiser</i> (Adelaide SA, 12th August 2011), 69.</p>
16/08/11	SA	Mining dispute on Adnyamathanha lands	<p>The Adnyamathanha Traditional Lands Association (ATLA) has voted in favour of mining in Arkaroola at a special general meeting held in Hawker, South Australia. 'Our people had a democratic process as part of our traditional practices and this is continued today, so at our meeting we discussed this issue at length and then the vote was carried convincingly in favour of mining in Arkaroola,' Association Chairman, Vince Coulthard said. 'ATLA is the only entity that can legally speak on behalf of the Adnyamathanha people and therefore governments and others are legally required to consult with us on any matters with regards to our native title.'</p> <p>Despite this vote, the South Australian government will push on with plans to ban mining forever in the Arkaroola Wilderness Sanctuary. South Australian Premier Mike Rann said while he 'respected the views of the traditional owners, he was proud of proposed legislation to ban mining in the environmentally sensitive region of the Flinders Ranges.'</p>	<p><i>Northern Star</i> (Lismore NSW, 16th August 2011), 8. <i>Northern Territory News</i> (Darwin NT, 16th August 2011), 12. <i>Fraser Coast Chronicle</i> (Harvey Bay QLD, 16th August 2011), 13. <i>Advocate</i> (Coffs Harbor NSW, 16th August 2011), 11. <i>Sunraysia Daily</i> (Mildura VIC, 16th August 2011), 11. <i>National Indigenous Times</i> (Malua Bay NSW, 18th August 2011), 16. <i>Daily Liberal</i> (Dubbo NSW, 16th August 2011), 6.</p>
18/08/11	WA	Woodside fail to show respect	<p>Patrick Dodson, Chairman of the Yawuru Native Title Holders Corporation, described Woodside and its contractor's unauthorised use of Yawuru land as offensive and disrespectful. Woodside admitted using Yawuru land in an attempt to bypass protesters opposed to Woodside's clearance work near James Price Point. Professor Dodson has written to Woodside's head of the Browse Project, Michael Hession to express Yawuru native title holders' sense of anger and disappointment over Woodside's conduct.</p>	<p><i>National Indigenous Times</i> (Malua Bay NSW, 18th August 2011), 19.</p>

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19/08/11	AUS	Review of Attorney-General's portfolio	The Department of Finance and Deregulation is undertaking a review of the Courts and Tribunals under the Attorney-General's portfolio including the National Native Title Tribunal, Federal Court, Family Court, Federal Magistrates Court and the Administrative Appeals Tribunal, but not the High Court. Cabinet documents show that the Federal government is seeking to reduce cost in the administration of Federal Tribunals and Courts by increasing shared services.	<i>Australian Financial Review</i> (Australia, 19 th August 2011), 21.
19/08/11	QLD	Connection report discussed at Mandandanji meeting	A connection report which aims to establish the Mandandanji people's connection to country was discussed at a meeting in Toowoomba on 3 September. The area of land which the report refers to is approximately 33,000 square kilometres within the Maranoa, Goondiwindi, Balonne and Western Downs Local Council regions. Queensland South Native Title Services (QSNTS) CEO Kevin Smith stated that the meeting was 'an opportunity for Mandandanji people to have a say and be part of the native title process.' The meeting was used to accept or reject the material in the connection report, and then provide QSNTS with instructions on how to proceed the claim.	<i>Western Star</i> (Roma QLD, 19 th August 2011), 6.
24/08/11	SA	Kokatha Uwankara native title agreement	<p>Minerals exploration and development will go ahead on the Carrapateena Prospect, located 100 kms South East of Olympic Dam and 130 kms North of Port Augusta, on the eastern margin of the Gawler Craton following the signing of a native title agreement between Kokatha Uwankara native title holders and OZ Minerals Carrapateena Pty Ltd.</p> <p>The Deed of Acknowledgement and Assumption marks the agreement between the parties to allow for the on-going exploration and development of the Carrapateena Prospect. The new Deed amends an existing agreement and supersedes and replicates previous agreements, dating back to early 2006, between Teck Australia Pty Ltd, the Kokatha Uwankara native title claimants and formerly overlapping native title claim groups.</p>	<i>Monitor Roxby Downs</i> (Roxby Downs SA, 24 th August 2011), 5.