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# **NATIVE TITLE NEWS OF AUGUST~SEPTEMBER 1996**

A hiatus in staffing over October and early November due to the return of Paul Burke to ATSIC and a physical relocation within AIATSIS have meant that we are a little late in getting this fifth Native Title Newsletter for 1996 to press. Paul's legal expertise and proficiency with producing the Newsletter will be greatly missed. Christine Watson, who worked in NTRU earlier in the year, has been reappointed to help to get the Unit functioning again. Please note our new telephone and fax number.

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## **1. Amendments to the Native Title Act**

Council for Aboriginal Reconciliation talks between Aboriginal organisations, pastoralists, and mining industry bodies to try to negotiate an agreed position on the Government's proposed amendments to the NTA broke down in early September. The parties were instead to make independent submissions to Government on their preferred options.

As we go to press, a 30 page report on the Government's proposed amendments has been released by ATSIC (26th November). This report can be obtained either from Martin Freckman of the Office of Public Affairs; from Di Myer of the Native Title and Land Rights Branch of ATSIC, at GPO Box 17, Woden, ACT 2606 (tel (06) 289 1222), OR from your local State or Regional office of ATSIC. Issues of substance

concerning the amendments can be discussed with the Manager of the Policy and Legislation Section of the Native Title and Land Rights Branch in Canberra.

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## **2. Annual Report by Aboriginal and Torres Strait Islander Social Justice Commissioner**

( with thanks to The Australian of 19 September) In his annual report, Mick Dodson criticised the Government's proposed amendments to the Native Title Act, as undermining the rights of native title holders by allowing pastoral leaseholders to expand the use of their leases for other purposes. In this strongly worded statement, he said that the proposals would strip Aboriginal people of their common law rights, breach international human rights standards and contravene the *Racial Discrimination Act*. Mr Dodson warned that Australia would face long, expensive and bitter legal battles, and stalling on mining and pastoral developments if the Government's proposed changes went ahead. He also criticised the Government's proposals to remove the right to negotiate from exploration and prospecting titles, to allow Ministerial intervention prior to determination of claims, to make the right to negotiate a once-only process, and to reduce the time for arbitration. Mr Dodson said that the Government's position fails to recognise that the best foundation for certainty in land use lies in agreement, and in this way jeopardises the prospect of a streamlined and workable land claim process. Mr Dodson did however indicate his support for several aspects of the proposed amendments to do with the transfer of claims to the Federal Court, the preparation of mediation reports by the National Native Title Tribunal, and the appointment of mediators.

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## **3. NTRU Newsletter here on the Internet**

Since issue 4 this year the NTRU has enlisted the help of David Nathan of AIATSIS' Research Section to make the Newsletter available through the Internet. You can read it on-line or print your own copy. Response from readers to this new service has so far been very positive. Please [let us know](#) what you think of either version of the newsletter.

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## **4. New NTRU Publication on Native Title over Offshore Areas**

The new NTRU publication, *A Sea Change in Land Rights Law: The Extension of Native Title to Australia's Offshore Areas*, by Gary Meyers, Malcolm O'Dell, Guy Wright and Simone Muller, is now available. The volume is priced at \$12.95 including postage, and can be ordered from Aboriginal Studies Press, phone (06) 246 1191, or fax (06) 249 7310.

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## 5. Aboriginal Land Tenure Course

The Department of Anthropology at the University of Adelaide has recently announced that it will be running a two-week course in Aboriginal land tenure. The course will be run by Dr Peter Sutton, who has wide experience of assisting with Aboriginal land claims as a consulting anthropologist. The course is composed of two modules, February 3-8 1997 and February 10-12. The course aims to introduce students to core aspects of Aboriginal land tenure systems, and to some of the technical anthropological concepts involved in interpreting them in a legal context. There will also be time set aside for specific discussion of issues arising from the encounter between Aboriginal land relationships and legislation such as the *Native Title Act 1993* (Cwlth), *Aboriginal Land Act 1991* (Qld) and the *Aboriginal Land Rights (NT) Act 1976*.

Information on fees and registration for the course may be obtained from the Department of Anthropology, University of Adelaide, SA 5005, Tel: (08) 8303 5730, Fax: 303 5733, e-mail <csolly@arts.adelaide.edu.au>.

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## 6. 20th Anniversary Land Rights Conference

On 16 and 17 August, over 400 people gathered at Old Parliament House in Canberra to take part in a conference to mark the twentieth anniversary of the *Aboriginal Land Rights (Northern Territory) Act 1976*. Most appropriately, the conference was jointly organised by the Northern and Central Land Councils and brought together many of those - Aboriginal people, anthropologists, lawyers, politicians - who played a role in bringing about the development and passing of the Act and its subsequent implementation. Warm recognition by the participants was given especially to Mr Gough Whitlam, who commissioned the work that provided the basis for the Act, and Sir Edward Woodward, who provided the report that was then accepted and implemented by the Fraser Government. As well as the plenary sessions that reviewed the past and looked towards the future, other conference sessions addressed the issues of Aboriginal economic development, constitutional reform, sea rights, international perspectives on land rights, regional agreements, intellectual property rights, women and land, the still dispossessed, and industry perspectives. The closing address was given by Ms Lois O'Donoghue as one of her last official speeches as the Chairperson of ATSIC, and received a standing ovation.

The conference proceedings are published as *Land Rights, Past, Present and Future* and are available from the Northern and Central Land Councils, PO Box 42921, Casuarina, NT 0811.

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## 7. Other Celebrations to mark the 20th

## Anniversary

The Gurindji people welcomed Mr Whitlam back to Wave Hill, where in 1975 he poured a handful of soil from the Daguragu country into the hands of Vincent Lingiari, the then leader of the Gurindji. 21 years later Mr Lingiari's son welcomed him back to mark the anniversary of the walk off (*WAus*, 24 August, p1 ).

Finally, Yothu Yindi headed a big sporting and cultural festival, Densing Langa Kantri (Dancing for Country) in Darwin and Alice Springs in early October to celebrate 20 years of the recognition of land rights (*SMH*, 17 September, p2 ).

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## NATIVE TITLE IN THE NEWS

(Note: Where an item also appears in other newspapers, etc, an asterisk (\*) will be used. People are invited to contact the Native Title Research Unit at AIATSIS if they want the additional references. As usual, NTRU will try to provide people with copies of particular newspaper articles on request.)

*Aus* = Australian  
*Ad* = Advertiser (SA)  
*CM* = Courier Mail (QLD)  
*CP* = Cairns Post  
*CT* = Canberra Times  
*Fin R* = Financial Review  
*HS* = Herald Sun (VIC)  
*Mer* = Hobart Mercury  
*LE* = Launceston Examiner  
*NTN* = Northern Territory News  
*SMH* = Sydney Morning Herald  
*Tel M* = Telegraph Mirror (NSW)  
*WA* = West Australian  
*WAus* = Weekend Australian  
*KM* = Kalgoorlie Miner

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## Land claims

### NSW

#### **Evans Head: Bundjalung: [NNTT Ref #NC 96/16]**

The Federal Government brokered a four-day halt to the Iron Gates housing development at Evans Head which opponents claim is destroying Aboriginal sacred sites and protected wildlife. The 100ha site fronts the Evans River between the Broadwater and Bundjalung National Parks. The developer has an existing permission to build 600 homes on the area which Aboriginal people say holds shell middens, scar trees, and a massacre site.