

Aboriginal groups.

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Gawler Craton

Perth based gold explorer Desertstone have been forced to suspend drilling at the Gawler Craton while it negotiates with Aboriginal groups over site access . (WA, 5 Mar, p45)

Resolute Resources and Dominion Gold have signed an agreement with the Maralinga Tjarutja people to begin exploration on the western portion of the Gawler Craton. The agreement gives the traditional Aboriginal owners a 10 per cent free-carried interest in the joint venture. Their 10 per cent share of development costs would be paid from gold production if a decision to mine was made. (WA, 10 Mar, p32)*

A large geological structure called the Musgrave Block in the north-west of South Australia has become the new focus for Australian exploration companies. Any upsurge in exploration will depend on agreement with Pitjantjatjara Council which controls access since title was given to them in 1981. There are hopes that negotiations will result in new regulations to accelerate access negotiations. Current procedures allow only one applicant at a time to negotiate with the Pitjantjatjara Council. (Ad, 11 Mar, p19)

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NSW

Eastern Gas Pipeline

The treasurer, approving the project, said construction plans could be delayed by land claims. (Illawarra Mercury, 20 Feb, p4)*

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GENERAL NATIVE TITLE ISSUES

National

The Dunghutti agreement, the first successful native title claim on the mainland, is expected to be endorsed by the Federal Court in the next few weeks. Although the agreement is not a binding legal precedent, lawyers believe it is likely to become a guide for Aborigines on the monetary value of the compensation they can expect for native title rights of a similar nature; in the Dunghutti case the amount was 150 per cent of the freehold value of the land. (Fin R, 3 Feb, p1 and 8)

At a conference on racism Senator Herron said the government was in 'a listening mode' on the idea of a national treaty and the significance of a document of reconciliation. He played down the option of extinguishment as legal advice suggested that legislative extinguishment would require large compensation payments (Ad, 22 Feb, p13). The idea of a treaty was

endorsed by the chairman of the Council for Aboriginal Reconciliation, Pat Dodson and NNTT member, Fred Chaney, who suggested that we should follow New Zealand, the US and Canada and recognise the notion of 'first nation'. (*WAus*, 22 Feb, p8) Academic and historian Henry Reynolds said Aborigines could push for a separate state if an agreement was not negotiated. (*CT*, 23 Feb, p1)

Peter Jull, who has worked for Canadian governments and Inuit people, discusses the process of Regional Agreements in Canada and how Australia may learn from the Canadian experience. (*CM*, Feb 28, p13)

Professor Geoffrey Blainey, giving the inaugural Sir Arthur Fadden Memorial speech, attacked the High Court as acting irresponsibly in the Mabo case; Queensland Premier, Rob Borbidge, who with Tim Fischer, has come under attack for similar criticisms of the High Court, welcomed the speech as a breath of fresh air. (*Sun Herald*, 2 Mar, p2)

Ecologist and Research Co-ordinator for the Australian Conservation Foundation, Mark Horstman, believes that the freeholding of pastoral leases would not only extinguish native title and jeopardise reconciliation, but would also seriously threaten the environments of nearly half the continent. (*Age*, 7 Mar, pA17)

Alan Moran, from the Institute of Public Affairs, believes that the High Court introduced inflexibility into the Australian economy by creating a class of property that cannot be sold to the party valuing it most highly. 'Instead the court has raised the costs of doing business by introducing a new form of tax on real estate - the native title- which is especially noxious because determining its rate requires considerable negotiation.' (*Fin R*, 7 Mar, p3)

The National Farmers Federation has said the statement by the Deputy Chairman of ATSIC, Sugar Ray Robinson, that up to 90% of registered claims were ambit was welcome. Mr Robinson has suggested legislation to remove the ambit claims from the National Native Title Tribunal and Federal Court would improve the process. The NFF support the suggestions which would impose a harder test of proof by claimants. (*NFF Press release*, 18 Mar)

A Federal Court decision, *WMC v Lane*, may require the National Native Title Tribunal to notify individual tenement holders when a claim is lodged, rather than advertising in the press, if the cost has been great. (*WA* 24 Mar, p20)

In an eight page letter to Mr Borbidge former Governor-General and chief negotiator for the State of Queensland in the Century Zinc negotiations, Mr Bill Hayden, has criticised the High Court over the Wik decision and branded native title legislation as complex, confusing and leaving the way open for extortion by Aboriginal claimants. (*Age*, 27 Mar, pA1 and A2)*

The Chairman of the Council for Aboriginal Reconciliation, Mr Pat Dodson, said allowing native title to continue on pastoral leases was crucial to the reconciliation process and Aborigines would use more sophisticated methods and international lobbying to get land and human rights if the reconciliation process falters over the Federal Government's handling of the Wik decision. (*SMH*, 26 Mar, p5)*

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Northern Territory

Lands Minister, Mr Mike Reed, said the Federal Government could use the Northern Territory Land Rights Act which gave Aborigines access provisions to pastoral properties as a model for any changes to native title legislation. (*NTN, 11 Feb, p2*)

The Chief Minister of the Northern Territory, Shane Stone, referred to the Northern Land Council's chairman, Galarrwuy Yunupingu as 'just another whingeing black' after he suggested his council would alert European countries to the plight of Australia's indigenous people (*SMH, 15 Feb, p2*). Opposition Aboriginal Affairs spokesman, John Ah Kit, called for an apology by the Chief Minister saying his remarks offended other Aboriginal Territorians and damaged Territorian race relations. (*NTN, 19 Feb, p6*)

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Queensland

The Queensland Government has resumed an 850 km corridor for a gas pipeline which will traverse pastoral land between South West Queensland and Mt Isa over which there are native title rights (*CM, 6 Feb Jan, p 4*)

Mr Borbidge said native title claims now covered 28.5% of Queensland including whole towns; Mt Isa, Cloncurry, Toompine, Noccundra, Duchess, Betoota, Thargomindah, Cunnamulla, Blackall, Tambo, Augathella, Charleville and Quilpie were among the towns and cities affected. (*CM, 10 Feb, p6*)*

The government has stopped processing land and mining tenure applications in response to the Wik decision and halted construction of roadworks and quarrying permits (*CM, 22 Feb, p4*). Native title claims have been made over nearly 20 % of the state.

Noel Pearson attacked the fear and loathing campaign of the Queensland Government: 'No other state in Australia is being subjected to such a concerted and calculated bureaucratic campaign to use native title as part of a political strategy.' (*CM, Mar 1, p26*)

Assistance with land issues and claims will be available from a new organisation, the Giringun Elders and Reference Group Aboriginal Corporation. The centre is located in Cardwell and funded by ATSIC and the Central Queensland Aboriginal Land Council with a staff of eight (*Townsville Bull, 18 Mar, p5*).

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Cape York

The National President of the Cattlemen's Union of Australia, Mr John Purcell, reaffirmed the CUA's commitment to the Cape York Peninsula Heads of Agreement despite criticism of the agreement from the United

Graziers' Association who claimed there was no certainty for producers in such an agreement. (*Toowoomba Chronicle*, 7 Feb, p5)

A second agreement relating to tourism is under negotiation between the Cape York Peninsula Development Association, the Far North Queensland Tour Operators Association, Cook Shire Council, the Cape York Land Council, the Aboriginal and Torres Strait Islander Commission and the Balkanu (Cape York) Development Corporation. Government support has not yet been received. (*CM*, Feb 26, p6)

The Cape York Tourism Heads of Agreement is in doubt after withdrawal of tourism industry representatives; key issues still to be resolved were access to sites, the cost of access and what sort of tenure operators would have. (*CM*, 15 Mar, p8)

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Western Australia

The WA government has proposed to resume native title within existing townsites where they are delaying development. In return for compulsory acquisition the Supreme Court would set the amount of compensation to be paid. (*WA*, 10 Feb, p10)

The Ngarinyin people, through the Kamali Council, explain what the Wik decision means to them. Their country includes 12 pastoral leases which are now used for other purposes especially tourism, they are excluded from tourism operations which take visitors to sacred sites including the Wandjina paintings. They hope that through Native Title they will be able to gain control of their culture and negotiate access and movement around pastoral leases. (*SMH*, 4 Mar, p15)

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Victoria

Point Lillias

A protest by Aboriginal people continued a three year campaign against a chemical plant. The Wathaurong people claim heritage protection is inadequate for cultural sites in the area. Mr Kennett criticised the group for considering a claim three years after the announcement of the decision to move the complex but suggested Federal Government indecision was more likely to prevent the move. (*Aus*, 20 Feb, p4) The group said the claim, which had the support of other Geelong residents, had not been made earlier because an earlier heritage agreement had been drafted without knowledge that the relocation could be opposed. (*Age*, 20 Feb, p3)*

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NSW

Lake Macquarie City Council have decided to upgrade and manage the Blacksmiths Caravan Park themselves rather than lease the Crown Land

to a private operator; this followed advice that private leasing was no longer an option due to 'Native Title provisions'. (*Newcastle Herald*, 4 Feb, p5)

Annual conference representatives of Western Shires voted for state legislation to extinguish native title on Western Lands Leases granted in perpetuity. The group argues that special concession is required because, unlike other pastoral leases, the Western Lands Leases have no renewal date and were evolved to accommodate the hardships of the area. They can be bought and sold like freehold land. (*The Land*, 20 Mar, p12)

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WIK DECISION

The National Farmers Federation held talks with Prime Minister John Howard to urge him to consider a proposal to extinguish native title on pastoral leases; the NFF also called for confirmation that native title was extinguished on freehold, residential, commercial and agricultural leases; as well the NFF proposed that cities, towns and public land and water resources be quarantined from the Native Title Act. The NFF proposal also includes provisions to ensure that extinguished native title rights were not revived, that the legislation be retrospective and that pastoralists received equal financial assistance as Aboriginal claimants. (*CT*, 1 Feb, p3)*

The Australian Bankers Association is putting together a position paper on the Wik decision which will be used as a guideline by banks dealing with native title issues; but at this stage the ABA will not make any public comment on the issue. (*W Aus*, 1 Feb, p54)

Premier of WA, Mr Richard Court, said State and Territory governments wanted power to resume land subject to native title claims to allow cities and towns to grow and just compensation paid if land was resumed where native title existed; he cited Kalgoorlie, Port Hedland and Broome as examples of towns that had run out of land for expansion of industry and housing. (*WA*, 3 Feb, p6)

ATSIC chairman, Gatjil Djerrkura, told PM John Howard that Indigenous people would not countenance extinguishment of native title rights or amendments to the Racial Discrimination Act. The Minister for Primary Industries, Mr Anderson, refused to back calls from the National Farmers Federation and Coalition premiers to extinguish native title on pastoral leases. (*Aus*, 5 Feb, p4)*

A discussion paper on responses to the Wik decision developed by the states after their January 22 meeting with the Prime Minister was released; it proposes: no native title claims could be lodged after January 1, 2000; law extinguishing native title to be rushed through Federal parliament; native title rights on pastoral leases to be replaced with limited statutory access rights; Aboriginal 'right to negotiate' over future development to be wound back. (*Fin R*, 6 Feb, p 1 and 8)

The Prime Minister, Mr Howard, has told ATSIC that a clear legal definition of native title is the key to resolution over the Wik decision and