

APRIL - MAY 1997

(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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CLAIMS

ACT

Ngunnawal [NNTT Ref#AC96/2]

ACT Chief Minister, Kate Carnell, said a native title claim over one fifth of the ACT, might be settled by a regional agreement providing for compensation and joint control of national parks. Ngunnawal lawyer, Peter Kilduff said the status of long term private leasehold or public monuments and buildings in Canberra would not be challenged (WAus 31 May, p1).

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New South Wales

Shellharbour [NNTT Ref#NC95/9]

The Shellharbour marina still could be built if native title claims are successful. There have been six separate claims on the marina site and the project has been held up while waiting for claims to be finalised. Developers believe that if native title is granted the project may proceed if compensation can be negotiated. Two claims in the area [NNTT Ref# NC96/31 and NC96/32] have been rejected by the National Native Title Tribunal. (*Illawarra Mercury*, 1 May, p18)

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Byron Bay [NNTT Ref#NC95/1, NC96/23]

An agreement between the Arakwal people and the NSW government will allow the creation of a new State Recreation Area at Cape Byron. The agreement recognises the Arakwal's historical links with the area and they will have representation on the management trust. The agreement does not recognise native title over the 47 hectares and claims on this and adjoining areas are going ahead under the Native Title Act. (*SMH*, 4 Apr, p6)

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Crescent Head [NNTT Ref#NC94/5]

Formal recognition of the Dunghutti as the native title holders of land at Crescent Head was given in an order by Justice Lockhart of the Federal Court in Sydney. 60 Dunghutti elders joined Kempsey Mayor and the NSW Attorney General in the courtroom for the hearing. Following consent of all parties the government will acquire the land and compensate the community with \$1.2 million. (*NNTT Press release 7 Apr; Aus*, 8 Apr, p3)*

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Victoria

Gournditch-mara [NNTT Ref#VC96/3]

A claim for unalienated water frontage and ocean from the SA border by the Gournditchmara people extends for 75 km along the coast and 40 km offshore. It includes fishing grounds of holders of Victorian rock lobster and shark licences. (*Adv*, 28 Apr)

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Queensland

Gold Coast [NNTT Ref#QC96/69]

The Kombumerri people have lodged a claim stretching from Surfers Paradise to Northern New South Wales. The claim includes beaches, sea beds, the sea and its resources, and any undersea minerals. State forests, national parks, reserves and parts of South Stradbroke Island and other Moreton Bay islands are also included. The claim had been accepted by the National Native Title Tribunal. (*CM*, 23 Apr, p4)* In response to National Party Senator Bill O'Chee's statement that it would prevent tourists' use of beaches Kombumerri representative David Dillon said the entire coast was included only to assist in determining what was valid native title. (*CM (Qld)*, 24 Apr, p3)

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Glass House Mountains [NNTT Ref#QC96/70]

The Gubbi Gubbi people have lodged a claim over the Glass House Mountains. They hope to gain management of the national park and believe climbers and tourists are loving the mountains to death with no regard for their environmental or cultural values. (*CM*, 22 Apr, p6) The claim has been disputed by Aboriginal historian Val Wright who believes there is no such tribe and that the group is a breakaway from the Kabi Kabi. Dr Eve Fesl who lodged the claim on behalf of the Gubbi Gubbi says confusion has been caused by white historians muddling the names.

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Western Australia

Nguluma Injibandi [NNTT Ref#WC94/5, 95/3]

Nguluma and Injibandi peoples have a native title claim over much of the resource rich Pilbara including land the WA planning Commission has earmarked for housing in Karratha where the population is predicted to rise by almost 70% in the next 15 years. The native title claim needs to be resolved before housing development can proceed. (WA, 16 Apr, p6)

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Ord River Development Area [NNTT Ref#WC94/2]

Bob Hannan, coordinator of the Miriuwung and Gajerrong Families Heritage and Land Council, announced native title claimants would seek compensation for the creation of Lake Argyle which dammed the Ord River 25 years ago. (WA, 17 Apr, p28)

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Wom-Ber [NNTT Ref#WC96/105]

The Koreng, Minang and Wudjari people have lodged a claim to the 800 km coastal strip between Walpole and Point Malcolm, 200 km east of Esperance and inland to Hyden. The claim includes perpetual leases which have not been converted to freehold and has been accepted by the NNTT. (WA, 29 Apr, p4) Similar leases which were released to returned servicemen in the 1950s are affected by two further claims in the Bridgetown, Margaret River and Busselton Shires. Under Mr Howard's ten point plan native title would be extinguished on such leases. (WA, 30 Apr, p4)

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Wiljen

Teresa Holmes who lodged a claim on behalf of the Wiljen people to land in the goldfields area has agreed to extinguish native title on pastoral, conditional purchase and war service perpetual leases and has called for cross-claimants to do the same. (WA, 14 May, p8) Support for Mrs Holmes came from another claimant, Mr Glen Colbung, who announced plans to exclude pastoral and other leasehold land from the Southern Nyoongar claim. (WA, 17 May, p46)

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Northern Territory

Larrakia claim [NNTT Ref#DC96/7]

The NNTT announced that the Larrakia claim has been accepted for mediation. Interested groups have two months to register their interest and be included in the mediation process. (NNTT press release, 4 Apr) The NNTT was criticised by NT Lands, Planning and Environment Minister, Mr. Mike Reed, for not testing the validity of the claim before referring it

to mediation. (*NTN, 4 Apr, p4*)

The Parliamentary Joint Committee on Native Title announced an inquiry into the Larrakia claim. Chair of the Committee, Senator Abetz, said 'the Committee needs to acquaint itself with major claims such as that lodged by the Larrakia people in order to make informed decisions about the operation of the Native Title Act.' (*Press release, 14 Apr*) At the Committee hearing in Darwin the NT Government claimed that compensation for native title claims in the NT could exceed 'tens of millions'. This figure was based on suggestions there could be up to 20 regional agreements in the NT. The joint Larrakia Northern Land Council submission rejected a 'Larrakia tax' to fund such a regional agreement but have agreed taxation was an option. Larrakia cited frustration with government negotiations as the reason for lodging the native title claim. (*NTN, 18 Apr, p4*)

Chief Minister Shane Stone suggested that under the proposed Federal Government 10 point plan the Larrakia claim would be hard pressed to succeed in either gaining native title or compensation. (*NTN, 30 Apr, p2*) However the NT government estimates the Larrakia claim would cost \$3.44 billion in compensation, a figure based on the compensation awarded in the Crescent Head case. (*NTN, 26 May, p14*)

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Croker Island [NNTT Ref#DC94/6]

A ten day hearing of the Federal Court began on Croker Island that will determine what native title rights exist to the seas surrounding Croker, Grant, McLuer, Oxley, Valencia, New Year and Darch islands. A spokesman for the Northern Land Council said the traditional owners wanted to share the sea resources with the fishing industry and wanted to negotiate a joint management agreement. (*WA, 22 Apr, p8*)* The claim will be contested by both Commonwealth and Territory Governments and the Northern Territory Fishing Industry Council. (*Aus, 23 Apr, p2*) The hearing is expected to set a precedent for some 85 other sea claims which have been lodged. (*SMH, 23 Apr, p6*)*

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South Australia

Nukunu [NNTT Ref#SC96/5]

An offshore claim has been lodged in Spencer Gulf 40 km south of Port Pirie by the Nukunu people and includes Spencer Gulf waters, claimable below the high water mark, if continual fishing usage could be established. The SA Fishing Industry Council has stated that 150 of the State's 960 professional fisherman are working in areas currently under claim and the industry would negotiate on a case by case basis rather than under compensation arrangements as suggested by the claimants. (*Adv, 28 Apr*).

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REGIONAL AGREEMENTS

Wendy Craik of the National Farmers Federation said land councils and