

Prime Minister's major bargaining party will be the opposition and not the Greens nor the Democrats. (*HS, 24 Sept, p14*)

It has been alleged that Attorney-General, Mr Daryl Williams, tried to stop the Australian Law Reform Commission giving evidence to the Joint Parliamentary Committee examining the Amendment Bill. It is possible that Mr Williams' actions had been in contempt of Parliament. The Commission President, Mr Alan Rose, said that he had been contacted last week by the acting head of Mr Williams' department Mr Norman Raeburn and urged not to appear before the committee. A spokesperson for Mr Williams said the Attorney-General would not prevent the commission appearing before the Parliamentary Committee if the Committee required it to do so. (*Age, 30 Sept, pA4*)* The National Indigenous Working Group and the Opposition have called on Mr Williams to resign. (*WA, 30 Sept, p4*) Leader of the Democrats, Senator Cheryl Kernot, commented on the seriousness of the matter, not only in the possible suppression of evidence to a parliamentary committee but also whether the Attorney-General has misled the Parliament by denying that any threats of suppression were made". (*Media Release, 29 Sept*)

The Australian Law Reform Commission submission's main points of criticism are: the Bill will be subject to a constitutional challenge, leading to a continuation of uncertainty; it would "very likely" breach Australian's obligations under international law, including the Universal Declaration of Human Rights; to the degree it extinguishes native title, it will expose the Government to a high level of compensation claims; and it will promote a feeling of social injustice. The Commission advocates an alternative approach, involving laws that uphold the principles of the co-existence of leasehold and native title rights. (*CT, 30 Sept, p1*)*

The National Farmers Federation has told the Parliamentary Committee farmers must reject the Bill because they are the people most affected by it, not Aboriginal people. NFF President, Donald McGauchie, said attempts to share title between farmers and Aboriginal people were unworkable and called for amendments to toughen the tests and restrict the time for native title claims. (*HS, 30 Sept, p16*)

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GENERAL NATIVE TITLE ISSUES

National

A United Nations report critical of the Federal Government's approach to land rights said government policy was 'wrought with discriminatory and colonial biases'. The report was released to Indigenous leaders attending the United Nations Working Group on Indigenous Populations. Aboriginal Affairs Minister John Herron criticised the report as inaccurate. (*Aus, 1 August, p 6*)*

Former Chief Justice of the High Court, Sir Harry Gibbs, described the *Native Title Act 1993* as a discriminatory, unfair and ill-conceived

measure. He also said elements of the High Court's decision in *Mabo v Queensland* (1992) were debatable. (*CT, 6 August, p5*)

The National Farmers Federation has asked the Federal Government to provide full tax deductibility for the costs of defending Native Title claims because they were not a voluntary expense. (*Media Release, 12 August*)

Minister for Defence, Ian McLachlan, criticised the decision to refer a challenge to the Hindmarsh Island Bridge Act to the full bench of the High Court. Mr McLachlan said that it was a complete nonsense to suggest that the bridge was detrimental to Aboriginal people and commented on the 'deception of 'secret women's business''. Mr McLaughlin also criticised comments by lawyer Stephen Kenny that opponents to the bridge will pursue the matter in international courts if their endeavours fail in the High Court. [Editors note: The outcome in this case may have implications for any future challenge to the Native Title Amendment Bill]. (*Media Release, 3 Sept*)

Chairperson of National Farmers Federation's Native Title Task Force, John MacKenzie, was given up to \$54,000 from a federal fund for people fighting native claims as a consultancy fee for mediation services. Most people applying to the fund have to show they will suffer hardship if they do not receive funding. Attorney General Daryl Williams is expected to announce findings from a review of the fund soon. (*WA, 18 Sept, p36*)*

Lawyer, Mr Mark Love, representing landholders in two native title cases now before the Federal Court criticised some traditional owners, claiming there was a lack of maturity in negotiation. Mr Love spoke of the risks of Native Title to financiers and said he had a shelf full of unresolved cases in which planned developments by the landholders had been held up following the High Court's Wik decision. (*SMH, 20 August, p10*)*

South Australia Premier, John Olsen, has said that the Federal Government will legislate to secure the corridor for the rail link between Alice Springs and Darwin. A spokesperson for the Prime Minister confirmed that enabling legislation for the railway would over-ride native title. (*Aus, 26 August, p6*)

The Prime Minister, John Howard, celebrated the re-election of the Country Liberal Party in Northern Territory and supported comments by the Chief Minister, Mr Stone, that the present Native Title Act works for no one. (*Aus, 1 Sept, p12*)* Northern Territory

Chief Minister of Northern Territory, Mr Shane Stone, claimed 7000 jobs were at risk because of Native Title and ambit claims. (*NTN, 13 August, p4*)

The Northern Territory Government is promoting its election as a key test for the Native Title Amendment Bill due before the federal parliament only days before the NT poll. (*Aus, 13 August, p6*)*

Chair of Northern Land Council, Galarruwuy Yunupingu, repudiated a claim made by Chief Minister Shane Stone that no exploration licences had been granted on Aboriginal land since the High Courts Wik decision. Mr Yunupingu said 16 percent of Aboriginal land is under exploration. (*NTN, 16 August, p13*)

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Queensland

The 1997 report of the Chair of the Queensland Land Tribunal, Mr Graeme Neate, said evidence from land claims was increasingly being sought to support further claims'. Mr Neate also said the use of such evidence was not confined to Queensland. Already evidence from a Queensland claim had been used to support a claim in the Northern Territory. Natural Resources Minister Howard Hobbs said that sharing evidence would not necessarily make claims easier. (*CM, 8 August, p5*)

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Western Australia

The Western Australian Government is planning an early recall of parliament next year to introduce native title legislation to complement the Howard Government's Wik amendments. Premier, Richard Court, said that state legislation was needed to allow new land releases (*WA, 6 Sept, p6*)

Working groups of native title claimants are being formed in the Goldfields, with the support of the Goldfields Land Council, to overcome some of the difficulties of overlapping claims. One working group has agreed on a joint claim that will eventually combine 16 applicant groups. (*Aus, 6 Sept, p4*)

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South Australia

An agreement reached in South Australia between a group of native title claimants and mining companies introduces the possibility of amalgamation of land claims. The Far West Working Group comprising of five Aboriginal groups with native title claims in the region of 44,000 sq km in south west corner of South Australia will establish where exploration can take place on heritage sites. While the agreement does not provide any guidelines to bring an exploration project to the development stage, the level of co-operation between the Aboriginal groups and the mining companies is most significant. (*Aus 19, August, p24*)*

Opal miners in Coober Pedy warned of violence unless uncertainty over native title was resolved soon. Mrs Kaylene Efstratiou said the miners were frustrated that they could not mine at several sites that they may be subject to native title. Mrs Efstratiou also said much of the frustration stemmed from the Mine and Energy Resources Office's refusal to register a claim on Lambina station because the claim was on a pastoral lease which could be native title land. (*Ad, 30 August, p5*)

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Victoria

It has been argued before the Federal Court that only some of the parties to the Yorta Yorta native title action can claim descent from the original owners of the contested Murray Valley land. Counsel for the Victorian Government Michael Wright challenged the claim by the Yorta Yorta people that their ancestors were the original owners of the land on the NSW/VIC border, at the time of white settlement. The Yorta Yorta people are claiming about 400 sq km of crown land, this includes state parks and forests along the Murray, Goulburn, Ovens and Edwards rivers. (*Age*, 5 August, pA2) Mr Wright suggested that the Government could show that last century various sub-groups held entitlement to use the land and water at issue. Therefore, native title did not reside with the Bangarung tribe, who is related to the Yorta Yorta, or any wider group. (*HS*, 5 August, p14)*

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RECENT PUBLICATIONS

Native Title Research Unit Publications

The following NTRU publications are available from the AIATSIS Publications Sales Assistant (Tel: 02 6246 1191)

Proof and Management of Native Title

(Summary of proceedings of a workshop conducted by the Native Title Research Unit, AIATSIS, on 31 January-1 February 1994 - cost (special discount) \$5 including postage).

Claims to Knowledge, Claims to Country: Native Title, native title claims and the role of the anthropologist

(Summary of proceedings of a conference session on native title at the annual conference of the Australian Anthropological Society, 28-30 September 1994 - cost \$11.85 including postage)

Anthropology in the Native Title Era

(Proceedings of a workshop conducted by the Australian Anthropological Society and the Native Title Research Unit, AIATSIS, 14-15 February 1995 - cost \$11.95 including postage)

The Skills of Native Title Practice

(Proceedings of a workshop conducted by the NTRU, the Native Title Section of ATSIC and the Representative Bodies, 13-15 September 1995 - cost \$15 including postage)

Heritage and Native Title: Anthropological and Legal Perspective's

(Proceedings of a workshop conducted by The Australian Anthropological