

discriminatory or fail to meet the constitutional obligation of ‘just terms’ compensation. (*CT, 24 Nov, p2*)

After a party-room meeting with the National Indigenous Working Group, the Democrats announced that the party would sponsor a package of amendments as proposed by Aboriginal people. Senator John Woodley said the amendments, would include an amendment opposing validation of intermediate titles. (*Media Release, 24 Nov*)

A number of senior Australian business leaders have expressed strong support for passage of the essential features of the Government’s Native Title Amendment Bill. They say this will provide greater certainty for investment in Australia. (*Media Release, 24 Nov*)\* Among the 30 people that signed the statement were BHP’s Jerry Ellis and John Prescott, the Commonwealth Bank’s Tim Besley, Western Mining’s Hugh Morgan, AMP’s Ian Burgess, National Mutual’s Geoff Tomlinson, Telstra’s David Hoare, Rio Tinto’s Barry Cusack, the National Australia Bank’s Don Argus, Normandy Mining chief executive Robert Champoin de Crespigny and Don McGauchie, president of the National Farmers Federation. According to David Buckingham, the executive director of the Business Council of Australia, those who made the statement were signing as individuals, not as representatives of the council or companies. (*Aus, 25 Nov, p2*)\* Normandy Mining has distanced itself from the statement of support, with managing director Mr Ian Gould saying its position was “far too complex to be conveyed in that simple statement”. (*Ad, 25 Nov, p6*)

There were more than 700 amendments to the Government’s NTA Bill from all parties to be considered by the Senate. Labor will insist that native title claimants have a right to negotiate on pastoral leases and will refuse to support a schedule of leases that the Government asserts give exclusive occupancy rights to leaseholders. Labor also proposes that legislation only suppress native title rights rather than extinguish them permanently. They will also oppose moves that allow pastoralists to upgrade their leases to freehold title. They will, however, give some support to Government proposals to validate leases granted since 1994 and to increase the capacity of pastoralists to diversify their activities beyond the formal terms of their leases. (*Age, 25 Nov, pA1*)\*

A letter sent by Tim Fischer’s office informing a property owner that her freehold title had been ‘thrown into doubt’ by the Wik decision, became public. (*Aus, 27 Nov, p2*)\*

Indigenous Australians with Native Title claims threatened by the Government’s Amendment Bill gathered in Canberra yesterday to plead for a change of mind. Mr Juluk Tighe representative of the Walmajari community of Western Australia stated that the community has been locked out of Christmas Creek by the pastoralist. Under the NTA Bill they will have no right to negotiate over new uses of the land. (*CT, 28 Nov, p4*)\*

## **GENERAL NATIVE TITLE ISSUES**

### **National**

Independent Member of Parliament, Pauline Hanson, has said that native title should be extinguished because it is the first step in a long-term strategy to create a separate Aboriginal nation within Australia. (*Media Release, 1 Oct*)\*

NSW National Party Member of Parliament, Michael Cobb, has complained that while more than \$100 million had been spent on legal fees for native title cases, no land had been given to Aboriginal people (*WA, 2 Oct, p8*)

Camilla Cowley, pastoral land holder, has argued in support of native title and the co-existence of pastoral and native title interests. (*SMH, 13 Oct, p1*) NFF Director, Dr Wendy Craik argued that farmers have difficulty with co-existing title because it would be unworkable in the business of farming. (*Media Release, 13 Oct*)

United Graziers Association president, Larry Acton, raised concern about Aboriginal families being included in claims without their knowledge or consent. Cape York Land Council co-ordinator, David Byrne, said that it was possible for one person to make a claim on behalf of their relatives but if someone did not want to assert their native title rights it was their prerogative. (*CM, 13 Oct, p8*)\*

Noel Pearson, often regarded as a moderate voice in Aboriginal issues reflected growing impatience in the Aboriginal community by calling the government 'racist scum' for persisting with legislation which their legal advice had agreed was likely racially discriminatory. The government labelled the comment as extreme. (*WAus, 1 Nov, p1, 8*)\*

David Ross, Chair of the Indigenous Land Corporation, in a letter to the editor, criticised comments by a Daily Telegraph opinion writer. Mr Ross highlighted that the Land Fund was not set up "in return" for the extinguishment of native title on pastoral leases and nor was it established to compensation for dispossession on pastoral leases. The Land Fund, it was argued, was established for a much broader purpose, for the dispossession of Indigenous peoples of their land over a 200 year period. Mr Ross also dispelled some of the misinformation about the cost and budget of the land fund. (*Tel, 5 Nov, p12*)

The NSW Farmers Association held native title information meetings across western NSW last week. Members were told that they need to be aware of their rights and stay well informed on issues of native title as it is important that all those affected have their say. (*Weekly Times (Vic), 12 Nov, p16*)

Margaret Gardiner of Mirimbiak Nations Aboriginal Corporation said that in referring to the Mabo and Wik decisions as granting a property right to Indigenous people, Senator Nick Minchin demonstrated a 'fundamental misunderstanding of the nature of native title'. No grant was made by the High Court in the Mabo decision, rather, Indigenous peoples' relationship with land according to Indigenous law and custom was recognised. The manifestation of that relationship in Western law is called native title. (*Aus, 13 Nov, p12*)

Warren McLachlan ended three years as the Cattlemen's Union representative on the National Farmers Federation. He said that pastoralists have been encouraged to think that

native title claims can dispossess them of their holdings when this is not true. Mr McLachlan suggests a solution to native title would be closer if rural communities communicated with Indigenous representatives, something they have refused to do since January. (*CM, 14 Nov, p3*)

Mr John Sheehan, native title spokesperson for the Australian Institute of Valuers and Land Economists, said that native title has had no effect on statutory leasehold land values. (*CT, 21 Nov, p2*)

Pastoralists Camilla Cowley and Ian Perkins have announced the formation of Rural Landholders for Coexistence. The group says they intend to counter the misinformation that is being spread in country areas by politicians, industry and the National Farmers Federation. (*Age, 25 Nov, pA4*)\*

The national general assembly of local government, which represents more than 730 councils, formally recognised native title and unanimously apologised to the stolen children. (*CT, 27 Nov, p2*)

### **New South Wales**

The Deputy Prime Minister, Tim Fischer, has promised federal funding for a test case in the High Court to establish whether NSW Western Division pastoral leases extinguish native title. A lawyer working in the native title area, Andrew Chalk, said Western Division leases were so varied that no one case could set a precedent for pastoral leases for the entire division. He suggests that farmers would be better off seeking regional or local agreements with Aboriginal groups. (*Land, 20 Nov, p8*) The New South Wales Farmers Association plan to bring such a test before the High Court. The farmers have obtained legal advice from a number of sources to support their position. (*Land, 23 Oct, p4*)

### **Queensland**

The Queensland Government has received an internal advisory document aimed at showing the 'worst-case' economic impact of uncertainty. While the report predicts costs of \$100,000 million and job losses of more than 4,600, the authors admit the figures may be 'flawed and rubbery'. The report predicts delays and reduced incentives for investment on pastoral leases and reduced rural tourism investment. Unnamed Queensland mining and industrial executives are reported to have said that the most probable and desirable long-term outcome will see native title negotiations in all developments where rights are accepted and 'reason prevails'. (*FinR, 3 Oct, p69*)

Noel Pearson of The Cape York Land Council lodged an application with the Queensland Supreme Court to review a decision by the Federal and State governments to remove the native title rights section from the Wet Tropics World Heritage Management Plan. It is argued that the Wet Tropics Heritage Protection Act while allowing the minister to approve a plan did not give the power to amend it. (*CM, 31 Oct, p19*)

The Queensland Government has pulled back from its plan to use Commonwealth legislation to extinguish native title by widespread compulsory acquisition of pastoral leases. The Government has decided that this plan would not be feasible because of the amount of

compensation that would have to be paid. Queensland Premier, Mr Rob Borbidge, is to introduce the State's 'mirror' legislation on native title this week. (*FinR*, 25 Nov, p10)\*

### **Western Australia**

The High Court has dismissed an appeal by the WA Government against court rulings in relation to the Mirriuwung and Gajerrong application which permit only people of the same gender to hear evidence about secret Aboriginal culture and rituals. (*WA*, 21 Oct, p9)

In a report Premier Richard Court blamed the *Native Title Act* for a mounting backlog of Western Australian land and mining titles. 'The Native Title: State of the Nation' report lists 621 native title claims over Australia and shows 82 per cent of WA under claim. A National Native Title Tribunal source said this figure could be misleading as it failed to exclude freehold land within claims where native title had been extinguished. The report will be sent to Opposition and minor party senators. (*WA*, 25 Nov, p4)

### **Australian Capital Territory**

Deputy Prime Minister, Mr Tim Fisher, warned that residents of Canberra held leasehold titles that were similar to the NSW western division leases. In response, Chief Minister, Mrs Kate Carnell, said Canberra was not affected by native title, being a residential area and that Mr Fisher's statement was 'fundamentally incorrect'. (*CT*, 22 Nov, p3)

### **South Australia**

Adelaide historian Dr Robert Foster said Aboriginal land rights in South Australia had been guaranteed in law in 1851. The first pastoral leases granted in South Australia stated that Aboriginal people retain their rights to the land. (*Ad*, 28 Nov, p4)

### **Northern Territory**

National Native Title Tribunal member Douglas Williamson QC began preliminary hearings in Darwin into the compulsory acquisition of native title rights that may exist over lands and waters at Wickham Point. The hearing will set the direction of arbitration proceedings involving the Larrakia, the Dangkalaba and the Northern Territory Government. (*NT News*, 27 Oct, p14)

## **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***