

MINING AND NATURAL RESOURCES

National

President of the Minerals Council of Australia, Mr Jerry Ellis, claims that 41% of Australian mining exploration was now offshore because of the uncertainty generated by native title claims. (*Age*, 12 Dec, pB3)

In an address to CEDA, Senator Parer, Federal Minister for Resources and Energy, said 'uncertainties surrounding the Labor Government's Native Title Act have been one of the key factors in limiting minerals industry's growth...the Act is one of the major reasons Australian companies are increasingly looking abroad.' (*Press release 30 January*) and (*Aus*, 31 Jan, p4)*

Go back to [Contents](#)

NT

Energy Resources Australia and Jabiluka

Senator Robert Hill announced public consultation meetings to discuss the draft environmental impact statement on the proposed Jabiluka uranium mine. (*Press release 29 Nov*).

ERA has delayed negotiations with traditional owners over its Jabiluka Uranium mining proposal and reported it remained confident it was in a strong negotiating position; ERA is conducting an environmental impact study at the proposed mine. (*NTN*, 2 Dec. p2).*

Representatives from the ACF, Friends of the Earth and Environment Centre NT have renewed calls for an end to the proposed uranium development at Jabiluka. (*Press release 11 Dec*).

The Mirrar clan, traditional owners of the area of the proposed Jabiluka mine, remain opposed to the mine; media reports of division among traditional owners has resulted from the views put forward by clans categorised under the Aboriginal Land Rights Act (NT) as 'affected people'; Jacqui Kantona, spokesperson for the Mirrar, said 'affected people are consulted but it is the decision of the traditional owners which has over-riding influence.' (*NTN*, 16 Dec. p33).

ERA has agreed to wait for a social and cultural impact study of economic activity before it begins negotiations with traditional owners over the uranium mining at the Jabiluka mining lease it purchased from Pancontinental in 1991; the Mirrar people remain opposed to the mine. (*NTN*, 17 Dec, p10).

ERA's Environmental impact statement on the proposed Jabiluka mine was criticised by the ACF for failing to address key issues of opposition to the mine by traditional owners and the impacts the mine would have on the region. (*CT*, 11 Jan, p2).

Aboriginal traditional owners of the site where Energy Resources Australia proposes to go ahead with the Jabiluka uranium mine have rejected the company's draft environmental impact statement; both mine options canvassed in the draft EIS require consent of Aboriginal owners to the proposal agreed between the Northern Land Council and the mine's former owner, Pancontinental. (*Fin R*, 14 Jan, p3).*

Sections within the Federal Dept. of the Environment have warned that uranium mining at Jabiluka could damage the region's World Heritage values, rainforests and affect tourism. (*SMH, 31 Jan, p5*).*

Go back to [Contents](#)

Nhulunbuy

The Northern Land Council lodged an application with the Federal Court to invalidate a lease on land at Nhulunbuy which includes 26 homes and the Gove Yacht Club; the NLC said the land was leased as a construction site to Nabalco and the lease expired in 1989. (*NTN, 13 Dec p4*).

Go back to [Contents](#)

Marine resources

Plans for an aquaculture project in Darwin by NSW based Phelps-Paniizza Investment Group have been shelved due to uncertainty with native title; the developers also accused the Northern Territory Government and Aboriginal representatives of not knowing how to handle development applications on land which may be subject to native title claims. (*WA, 15 Jan, p34*)

Go back to [Contents](#)

WA

Murrin Murrin

The Goolburthanoo and Bibila-Lungutjara people have appealed against recommendations made by the EPA in relation to the Anaconda Nickel's Murrin Murrin project; the appeal is on heritage and cultural grounds which were not considered by the EPA. (*WA, 19 Dec, p46*) Legal advice to Anaconda indicates that the Goolburthanoo and Bibila-Lungutjara appeal is justified and if upheld by the court Anaconda might have to repeat part or all of its environmental assessment of Murrin Murrin nickel deposit. (*WA, 17 Jan, p33*)

Wangi elder, Mr Arnold Franks, said he was becoming increasingly disillusioned with mining companies; he had agreed to co-operate with mining companies and oppose what he described as 'fallacious' native title claims but mining companies had not delivered on a promise to provide jobs and training to young Aborigines; prospectors he had asked to file a claim on his behalf pegged the site for themselves including neither his name nor that of his community on the claim. (*Sunday Times (WA), 5 Jan, p17*)

Go back to [Contents](#)

QLD

The Qld Dept of Mines and Energy has issued 800 mining leases over non-freehold land since the Native Title Act was passed in 1994. Legal sources warned that these leases could be made invalid by the High Court's Wik decision. Companies are suggesting that any compensation which may arise must be paid by the state government, which issued the leases. (*CM, 3 Jan, p5*)

Noel Pearson said companies holding 800 Queensland mining leases must be forced to negotiate with Aborigines under the Native Title Act because they bought the leases knowing Aborigines could have legally enforceable rights over them.

(*CM, 9 Jan, p2*)

Lawyer Colin Hardie who acts for the Mitakoodi/Juhnjar Aboriginal Community said lawyers were investigating some of about 800 Queensland mining leases issued since 1994 which might be subject to compensation claims in the wake of the Wik decision. (*CM, Jan 18, p2*)

Miners in North Qld., say the state government's freeze on mining leases was putting the companies 'into jeopardy'. (*CM, 30 Jan, p25*)

Go back to [Contents](#)

Ernest Henry

Mitakoodi/Juhnjar Aboriginal Community said documents show the approval for the copper-gold mine near Cloncurry was obtained by pressure on government and before environmental impact studies were completed; claim for compensation under the Native Title Act against Ernest Henry has been lodged. (*CM, 20 Dec, p2*)

Go back to [Contents](#)

Century Zinc Mine / Waanyi

Co-ordinator of the Carpentaria Land Council accused ATSIC and the Federal Government of conspiring to remove the council from negotiations over the Century Zinc project; Mr Yanner's claims came as the first round of negotiations commenced under the right to negotiate provisions of the Native Title Act. (*Aus, 3 Dec, p.4*)

Negotiations over the Century Zinc project to continue in the new year with February 13 the deadline for a negotiated agreement. (*Aus, 26 Dec, p4*)

Pasminco Ltd has agreed to pay RTZ-CRA Ltd \$345 million for Century and the nearby Dugald River zinc deposit; the announcement of the purchase comes just one day after Queensland's Government put a halt on development of all pastoral leases, and stopped issuing and renewing most new mining leases in response to the High Court Wik decision. CRA has said native title considerations were not a key factor in its decision to sell the Century project. Carpentaria Land Council spokesperson Mr Murandoo Yanner who has opposed the Century project said that Aboriginal groups now wanted the Right to Negotiate process extended by at least six months. (*Fin R, 10 Jan, p1*)* However the three Aboriginal groups which have native title claims over the area had not requested an extension of time and Mr Rick Farley, lead member of the National Native Title Tribunal's negotiations said most of the project team from Century will transfer from CRA to Pasminco to ensure continuity of negotiations and are committed to achieving the negotiated outcome by the February 13 deadline. The Queensland Government's response was to raise the prospect of legislating to end the impasse over the project. (*CT, 10 Jan, p15*)

Go back to [Contents](#)

Alcan

Alcan is working towards approval for the Ely bauxite deposit which is next to Comalco's Weipa bauxite mine; Alcan was granted a mining lease on vacant Crown land in 1965 and is negotiating with the local Aboriginal community who hold a deed of grant over land where Alcan wants to build a port; Alcan expects government and Aboriginal agreement to the mine by April. (*CM, 30 Jan, p25*)*

Go back to [Contents](#)

Marine resources

The Queensland Fisherman's Organisation and the Cape York Land Council had been holding talks for more than 12 months and aim to have a regional agreement by mid 1997 on fishing rights in marine areas subject to native title claims. (*W Aus*, 4 Jan, p6)

Go back to [Contents](#)

SA

Government and industry hopes of a mining boom for South Australia have suffered as a result of the Wik decision; unlike other states there was already a statutory right in SA for Aborigines to hunt and gather on pastoral leases but Government and industry want a comprehensive solution to the uncertainty rather than a mine by mine approach. (*Ad*, 16 Jan, p4)

Go back to [Contents](#)

GENERAL NATIVE TITLE ISSUES

National

The Attorney General, Hon. Daryl Williams announced the appointment of two part time members of the NNTT: Professor Douglas Williamson will be based in Victoria and Mrs Joanna Kalowski in NSW. (*Press release 6 Dec*) The NNTT has received 448 applications throughout Australia since the Native Title Act came into force; 228 of these were lodged in 1996. According to Justice French this is 'partly due to the apprehension about what changes to legislation will do to peoples rights if they don't get in early.' (*WA*, 14 Dec p40)

Michael Lavarch reported that compensation for native title may develop through personal injury rather than property law, citing a recent National Native Title Tribunal determination rejecting the view that compensation should not exceed freehold value, and the Crescent Head agreement which included an uplift factor to the base of freehold value to assess compensation. (*Aus*, 21 Jan p13)

Go back to [Contents](#)

NT

Katherine Combined Aboriginal Organisations may consider lodging a claim to unoccupied Crown land in the Katherine area if discussions with NT government about town camps was not satisfactory; they want land to establish four new town camps around Katherine. The government believed town camps were not the answer and that people should be living on their communities. (*NTN*, 13 Dec, p4)

Go back to [Contents](#)

QLD

Natural Resources Minister Howard Hobbs said the state Government had