

WA Chamber of Minerals and Energy Chief Executive Ian Satchwell conceded that mining companies forced by the unworkability of the *Native Title Act* were negotiating directly with the applicants. This has encouraged overlapping applications. (*WAus*, 14 Mar, p4)

Tasmanian Independent Senator Brian Harradine, indicated that he was willing to consider the following points in the Wik impasse: bona fides of applicants had to be tested; overlapping applications needed to be eliminated; a prima facie test needed for group applications; and the threshold test needed to be changed. (*ST*, 15 Mar, p3)

Australia's land planning and valuation experts, John Sheehan and Ed Wensing asserted that the Government's attempt to limit compensation to holders of Indigenous property rights may be unconstitutional. Mr Sheehan said the proposal to remove the right to negotiate would result in dispossession of Aboriginal people of their rights and interests in land. (*Media Release*, 24 Mar)

Mr Peter Yu, spokesperson for the National Indigenous Working Group stated that Indigenous Australians were relying on Senator Harradine to maintain his position in favor of an Aboriginal right to negotiate over mining and pastoral leases. (*FinR*, 27 Mar, p3)

Labor is considering three areas of change in its position on the right to negotiate: renewals of exploration and mining tenements; acquisitions for the provision of infrastructure; and low-impact exploration and mining. (*Ad*, 27 Mar, p8)

Tasmanian Independent Senator Harradine and Greens Senator Dee Margetts have produced separate pieces of legal advice which suggests, if subjected to the *Racial Discrimination Act* the NTA Bill is not detrimental to the Government's position. (*WAus*, 27 Mar, p6)

Members of the National Biodiversity Council called on the Senate to reject the components of the 10-point plan, as the proposed changes to land use embodied in it will have negative impact on Australian biodiversity. (*Media Release*, 23 Mar)

The impending High Court decision in the Hindmarsh Island Bridge case could resolve the question of whether the constitutional 'race' power could be used either to the benefit or detriment of a race. (*Aus*, 31 Mar, p2)* The Democrats demanded the Senate delay debate on the native title legislation to consider the repercussions of the decision for the Native Title Amendment Bill. (*CM*, 31 Mar, p2)*

Special Minister of State Senator Nick Minchin stated that the Native Title Amendment Bill is a fair and balanced compromise reflecting detailed consultation with Indigenous, industry, government and pastoral interests affected by the Wik decision. The Bill, he pointed out, respects native title and ensures that where native title co-exists with pastoral lease, native title holders and the lease holders have the same procedural rights for mining and development on that land. (*Ad*, 31 Mar, p19)

GENERAL NATIVE TITLE ISSUES

National

The Federal Government is considering a revamp of the Aboriginal and Torres Strait Islander Commission following a report that revealed a conflict of interest in the commission's advice

to government. ATSIC's advice to government on its response to the Wik debate is an example of where there is disagreement. (*FinR*, 2 Feb, p8) *

The Government withdrew plans for a \$3 million campaign to sell its Wik package after a spate of negative reactions from focus groups. (*Aus*, 26 Feb, p40)*

Darryl Kickett Convenor of the Western Australian Native Title Working Group, concurred that although some applicants were using the native title process for short term personal gains others were working together to resolve problems related to competing and overlapping claims. (*ST*, 1 Mar, p7)

The Melbourne Catholic Commission for Justice, Development and Peace (MCCJD&P) stated that the proposed Native Title Bill would not bring certainty or workability as promised to pastoral lease holders and miners. The issue of native title can be resolved through discussion and negotiation, which is beneficial to all instead of select groups. (*Media Release*, 2 March)

The Coordinator of Defenders of Native Title (DONT), Mr Sid Spindler called for the Government to withdraw its NTA Bill and for the ALP and Senator Harradine to 'improve their positions' on native title. (*Media Release*, 4 Mar)

Former Labor Prime Minister Bob Hawke, stated that John Howard should convene a top-level meeting of Aboriginal leaders, the mining industry and pastoralists, in order to solve the impasse over native title. (*CT*, 6 Mar, p2)*

The Council for Aboriginal Reconciliation has revealed plans for a national agreement by the year 2000, but warned the process would be irreversibly 'damaged' if the Government did not compromise on its 10-point plan. (*Aus*, 9 Mar, p2)*

Aboriginal and Torres Strait Islander Commissioner, Terry O'Shane, said the Aboriginal community are worried that the Opposition will not support their right to negotiate the renewal of mining leases even if they were excluded from original negotiations to establish the mine. (*WAus*, 9 Mar, p7)

New South Wales

A planned fast-ferry service between Sydney and the NSW Central Coast could materialize once environmental and native title considerations are passed by government agencies. The \$15 million development by Fast Ships Pty Ltd would see a ferry run from Circular Quay to a new wharf at Ettalong. The site comes under the non-claimant clause of native title legislation, a status that is being examined by the Department of Land and Water Conservation and the National Native Title Tribunal. (*WAus*, 7 Feb, p52)

To enhance understanding in the community of native title and reconciliation in rural NSW, the Dubbo Reconciliation Group hosted the first information session on native title. (*Aus*, 20 Mar, p4)*

The Convener of Rural Landholders for Co-existence Ian Perkins, has stressed on the High Court's decision of the Wik issue in 1996 that pastoralists' rights always prevailed over native title rights, stating native title poses no threat to pastoralists and can deliver benefits. (*WAus*, 25 Mar, p46)

Northern Territory

John Howard made his first prime ministerial visit to an Aboriginal community, but stood firmly by his amendments to the native title legislation. (*DT, 28 Feb, p2*)

After concluding that native title was extinguished in 1882 when a freehold grant was made, Justice Maurice O'Loughlin dismissed the Larrakia people's application for an injunction on a \$7 million development on land south of Darwin. The decision confirms that native title cannot be revived on land, which was once the subject of a freehold lease. (*WA, 28 Feb, p8*) Commenting on the Court's decision, Deputy Prime Minister Tim Fischer said the NLC's action had absolved Federal Government efforts to confirm the status of freehold land in the Native Title Act. (*Media Release, 15 Feb*)

Queensland

The Federal Government will spend \$40 million to protect pastoral leases, important Aboriginal sites and high conservation areas of Cape York. (*CM, 13 Feb, p8*) Mr. Ahmat, chairman of the Cape York Land Council stated the plan 'disregards the historic Cape York Heads of Agreement which was signed between cattlemen, Aboriginal people and environmental groups'. (*Media release, 16 Feb*)*

NNTT member Rick Farley and senior case manager David Robson stated in a seminar that Torres Strait Islander population in Mackay has two months to become party to any native title application on the land and sea of the Torres Strait Islands. Most residents of the mainland have traditional interest in the land of their origin. (*DM, 19 Feb, p2*)

The Kuku Ya'u people, who live around the Lockhart River community, failed in their bid to stop development of a multimillion dollar upmarket resort on Restoration Island. (*CM, 16 Feb, p5*)

Tribal elder John Lee Jones and members of the Dalungbaratchala and Ngulungbara people of Kguri (Fraser) and the Great Sandy Region are suing the Queensland and Commonwealth Governments to redeem Fraser Island and surrounding waters up to 200 nautical mile limit. However the applicants were asked by the Supreme Court to amend their application as the Supreme Court's jurisdiction extended to the three nautical miles (*CM, 21 Feb, p14*)

The Gurang Land Council called a summit to discuss native title, land issues and representative body practices. More than 300 members of the Aboriginal community within the wide Bay and Central Queensland areas attended the summit. (*NM, 2 Mar, p5*)

Descendants of the Turrbal clan announced they would lodge a native title application over land between the Brisbane and Caboolture rivers. (*CM, 12 Mar, p5*)

Western Australia

After 18 months of failed mediation between the State Government and three Goldfields applicant groups, the Tribunal has ruled to allow compulsory acquisition of native title rights and interests to 1185ha of vacant crown land 26km east of Kalgoorlie-Boulder. Tribunal member Christopher Sumner determined that development could proceed on condition that the Government appointed at least one representative from the applicant groups to a park advisory board if any group obtained a determination of native title. (*WA, 23 Feb, p10*)

Premier Richard Court stated that native title application is costing potential home and business purchasers huge premiums because of land shortages. As much as 82 per cent of

WA is now under native title claim much of it under multiple claim. The Premier added this highlights the need for a stronger registration test and amendments to the right to negotiate. (*ST, 22 Feb, p7*)

Mr Barker QC for the Mirriuwung and Gajerrong people argued in the Federal Court, the notion that East Kimberley Aboriginal people had to produce 'lost tribe' proposition before proving native title was wrong. (*WAus, 31 Mar, p22*)

South Australia

Aboriginal and civic leaders gathered in Port Adelaide to sign a document in support of native title and the Wik decision. The mayor Ms Johanna McLuskey said the Federal Government's 10-point plan would "promote a land grab" to the detriment of the Indigenous people. (*Ad, 4 Feb, p10*)

An attempt to stop construction of the Hindmarsh Island Bridge by Ngarrindjeri people is set for hearing in the High Court. (*WA, 4 Feb, p24*) The court will be asked to determine the right of the Commonwealth to make laws, which were to the detriment of Aborigines. This is regarded by some as a question critical to the Government's 10-point plan. (*Ad, 4 Feb, p10*)* The Australian people had unwittingly empowered the Federal government to pass racially discriminatory laws against indigenous Australians at the 1967 referendum, the Government told the High Court. (*SMH, 7 Feb, p6*)*

Victoria

Groups including the Australian Conservation Foundation, the Ethnic Communities Council and the Brotherhood of St Lawrence issued a joint statement condemning the Government's determination to push its 10-point plan through Parliament. They also called on Prime Minister John Howard to acknowledge the need for negotiation and cooperation, and ensure Crown land leased to pastoralists was not upgraded from leasehold to the equivalent of freehold title. (*HS, 23 Mar, p16*)

RECENT PUBLICATIONS

Native Title Research Unit Publications

The following NTRU publications are available from the AIATSIS Publications Sales Assistant (Tel: 06 246 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)