



AIATSIS

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NATIVE TITLE NEWSLETTER

No. 3/98

NATIVE TITLE IN THE NEWS April- May 1998

(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.)*

Ad = Advertiser (SA)
Age = The Age
Aus = Australian
BM = Border Mail
CM = Courier Mail (QLD)
CT = Canberra Times
DT = Daily Telegraph
EIM = Eden Imlay Magnet
Fin R = Financial Review
GT = Gympie Times (QLD)

HM = Hobart Mercury
HS = Herald Sun (VIC)
Ld = The Land
NTN = Northern Territory News
NWS = North West Star (Mt Isa)
SCT = The Sunday Canberra Times
SHS = Sunday Herald Sun
ST = Sunday Times
WA = West Australian
WAus = Weekend Australian

Applications

ACT

Ngunawal [NNTT Ref#AC96/2 AC97/1]

Two Aboriginal groups who lodged overlapping claims over large tracts of the ACT, mostly covering Namadgi and other parks, are close to reaching a regional agreement with the ACT Government. The deal had been delayed by protracted debates between the groups over rightful owners of the land. Dr Nicholas Peterson of the Australian National University was appointed to help prepare a genealogy of the Aboriginal people. (*CT*, 27 May, p2)

New South Wales

Dharawal Nation [NNTT Ref#NC97/16]

A native title application for Kurnell and the waters of Botany Bay has been accepted for further mediation. The claim by the Dharawal people also includes Cromwell Park at Malabar, Botany Bay National Park and several reserves around Phillip Bay and La Perouse. (DT, 2 Apr, p2)

Victoria

Yorta Yorta Clans [NNTT Ref#VC94/1]

Mr Bryan Keon-Cohen QC argued in the Federal Court that the Yorta Yorta people have successfully shown a continuing association with the land since European occupation and hence should be given their native title rights over the mid-Murray River region. Mr Keon-Cohen stated that the oral testimony given in this case was supported by the Canadian Supreme Court's ruling in the *Delgamuukw v British Columbia* that oral traditions were critical evidence for traditional societies. The application, over 4,000sq km of crown land and compensation for extinguishment over a further 16,000sq km, is being opposed by 500 respondents, including Governments of Victoria, NSW and South Australia, the Murray Darling Basin Commission, Local Government authorities and timber, grazing and farming interests. (FinR, 5 May, p9)* Federal Court Justice Howard Olney, said proposed changes to native title could open the High Court's Wik decision to judicial review. (BM, 16 May, p7)

Queensland

Ethel Kathleen Page [NNTT Ref#QC98/9]

A native title application on behalf of the Pitta Pitta, Kalkadoon, Yulluna, Mitakoodi and Maiwali Karuwali clan groups had been lodged. The application covers the area from the Gulf of Carpentaria to north of Betoota and includes areas within eight local government jurisdictions including Mount Isa, Cloncurry, Carpentaria and McKinlay. While stating that there are nine overlapping claims in the Mayor Noel Robertson of Cloncurry shire, opined that the registration process should be more rigid. (NWS, 17 Apr, p3)

Kalkadoon People [NNTT Ref#QC98/23]

A native title application lodged on behalf of the Kalkadoon people covers approximately 63,000sq km of northwest Queensland. The application is among 23 lodged this year and covers the area from the Gregory River, 250km north of Mount Isa to Dajarra, 100km south of Mount Isa, including the towns of Camooweal and Cloncurry. (CM, 2 May, p10)

Ghungalu People [NNTT Ref#QC98/19 QC98/21 QC98/22]

Savage Togara Coal Pty Ltd is seeking a court order to extinguish native title on its mining lease over four pastoral properties, following a breakdown in negotiations between the company and the Ghungalu people. The Ghungalu people later lodged three native title applications over 25,000sq km in central Queensland, claiming native title rights still exist. The pastoral leases had been occupied since before 1885 and had been reissued several times by the Government after subdivision and sale. (CM, 11 May, p2)* Phillip McMurdo QC, on behalf of Savage told the Court that leases issued after the *Racial Discrimination Act* of 1975 were invalid as they did not comply with the Act but were legalized by the *Native Title Act* and native title was extinguished. (CM, 12 May, p8)* The Queensland Government refused to either support or oppose the application to extinguish native title on these pastoral properties. (CM, 14 May, p1)

Turrbal People [NNTT Ref#QC98/26]

The Turrbal people lodged a native title application for unallocated state and local government land in and around Brisbane. The applicants expressed the wish to share in the management of forests and reserves covered in the application. (*CM, 22 May, p9*) National Native Title Tribunal Registrar, Chris Doepel, stated the application indicated that the Turrbal people accepted that 'native title if existing on unallocated State land, was subject to the validly granted existing rights of others'. (*CM, 23 May, p6*)

Western Australia

Mirriuwung Gajerrong [NNTT Ref#WC94/2]

Mirriuwung and Gajerrong people, who had lodged native title application over large tracts of Ord River valley, concluded their case in the Federal Court. The WA and Northern Territory governments, Shire of East Kimberley, several mining companies and 150 Kimberley groups opposed the application. (*ST, 12 Apr, p34*)

Ngtullee Ba Marbithar Boogoola [NNTT Ref#WC98/19]

Eight Goldfields women have lodged a native title application over 469,329sq km stretching west from the South Australian to Esperance, north to Wiluna and east to the Gibson Desert. The Goldfields Land Council Executive Director Yvonne Brownley asserted that the new application over 84 existing applications threw into doubt recent progress in cutting rival applications in the Goldfields region. (*WA, 23 Apr, p10*)*

Northern Territory

Bradshaw Station [NNTT Ref#DC97/8]

Denis Burke, member for Brennan, criticized the Northern Land Council for delaying building of a new defense training area at Bradshaw Station. The Federal Government would be spending \$55 million on the station, on which the NLC put a claim last year. (*NTN, 27 Apr, p4*)

MINING AND NATURAL RESOURCES

National

Mining Company Rio Tinto pledged to conduct private negotiations with parties in native title disputes regardless of the Government's 10-point plan. Executive Director of Rio Tinto's Bougainville Copper operation Peter Taylor speaking at a native title forum in Brisbane expressed doubts that the inclusion of a 'sunset clause' in the 10-point plan would purge the threat of protracted and expensive litigation for mining companies and pastoralists. (*CM, 17 Apr, p9*) Speaking at the same forum Shell Australia Chair, Mr Roland Williams, stated Shell was an upholder of voluntary agreements with Indigenous communities. (*Aus, 21 Apr, p24*)

A federal survey found that despite the uncertainties that followed the Wik ruling there is a continuing boom in resource based investment. Contrary to the Howard Government's concern that the native title issue is discouraging new exploration, the Department of Primary Industries and Energy found that 122 projects worth more than \$24 billion were under way or committed across all States and Territories. A further 174 projects worth more than \$75 billion were being considered. (*Aus, 23 Apr, p23*)*