

Chair of the Australian Seafood Industry Council, Mr Nigel Scullion, indicated that the question of exclusive possession of native title rights over water is still uncertain after the Croker Island decision. (*FinR*, 21July, p14)

Antarctica

The Wiljen people have proposed to lodge a native title application over Antarctica. National Native Title Tribunal president, Justice Robert French, said the Tribunal would not accept the proposed application and that it is plainly frivolous and vexatious. He said such an application trivialises the deeply felt aspirations of Indigenous people genuinely seeking recognition of their traditional lands. (*NNTT Media Release*, 24 July, p1)*

MINING AND NATURAL RESOURCES

National

Gas industry legal advisers say that the passage of the NTA Bill has removed an impediment to the development of gas pipelines. The amendments allow pipelines for public and private use to be developed without the right to negotiate applying. Developers are now required to consult with Indigenous groups who have claims over the area, as opposed to the provisions under the *Native Title Act* that allowed for notice of intention and a negotiation process. Mr van Hatten, partner of Freehill Hollingdale and Page, says that the primary issue for pipeline projects will now be Aboriginal heritage, rather than native title. (*FinR*, 29 July, p31)

New South Wales

Timbarra Gold Project – Ross Mining

Families from the Timbarra Bandjalung people have threatened Ross Mining with damages and compensation action over its Timbarra gold project in northern NSW. The families say they represent 100 traditional owners of the land who have been left out of negotiations between the NSW Government, Ross Mining and the NSW Aboriginal Land Council that lead to the issuing of a mining lease through the section 29 process of the *Native Title Act*. (*CM*, 22 June, p21)

Queensland

Century Zinc Mine

The Carpentaria Land Council was granted a Federal Court injunction against the Burke Shire Council and the Century Zinc Mine's developers. The court ruled that work on a bridge over the Gregory River should stop because negotiations had not been held with Aboriginal leaders. Justice Bryan Beaumont said the council was in breach of the *Native Title (Queensland) Act* because it had failed to properly notify possible native title holders of its willingness to negotiate over the proposed acquisition of the land. (*CM*, 4 June, pH2)*

Due to inconclusive state election results, the Federal Court yesterday extended the time in which Burke Shire Council can indicate willingness to negotiate in good faith with the Carpentaria Land Council. Justice Beaumont said if there was no undertaking, developers and the council would be restrained from further work on the bridge. (*CM*, 23 June, p6)

South Australia

Lambina Agreement

A native title mining agreement between traditional owners and the South Australian Opal Miners Association has been signed. The agreement will allow opal mining in the Lambina area, about 230km north of Coober Pedy. Conditions of the agreement include protecting

traditional sites and waterholes and the rehabilitation of mined land. President of the Miners Association, Neville Hyatt, says all miners taking up claims in the area must do so under the terms of the agreement, which is expected to be ratified by the South Australian Government this week. (*DT, 15 June, p66*)*

The South Australian Government is yet to endorse the agreement. Miners and Indigenous owners have accused the Government of delaying the development of the opal field. A Government spokesperson, Mr Kerin, said the Minister was examining the Lambina Agreement, which has 'some complications', and that the department is seeking legal advice on the agreement. (*Ad, 27 June, p43*)

Pitjantjatjara Land

Delta Gold has formed a joint venture with Rio Tinto to expand a program of exploration for mineral wealth in Pitjantjatjara lands, north-west South Australia. The companies plan to target nickel, copper and platinum. Mr Greg Borchers of the Pitjantjatjara Council, says the Aboriginal community are likely to accept the partnership. Rio Tinto is also negotiating access to two exploration areas in the eastern part of the Pitjantjatjara lands. (*Ad, 29 July, p32*)

Western Australia

The acting director-general of the WA Minerals and Energy Department, Colin Branch, has told a budget estimates committee that, following the High Court's *Wik* decision, applications for exploration and prospecting licences in areas subject to native title claims have been subject to more objections. Mr Branch, who is also chair of the Minerals and Energy Research Institute, said native title claims would prevent mineral exploration across 10 per cent of WA by the year 2000. (*WA, 2 June, p6*)

Kimberley – Fitzroy River

In August 1997, the Western Australian Government made an in-principle decision to support a proposal to dam the Fitzroy River for agricultural purposes. An agreement was made with Western Agricultural Industries P/L (WAI) to assess the proposal. If the dam goes ahead, Aboriginal communities have much at stake including:

- important sites in Diamond Gorge;
- the right to fish; and
- the right to own and occupy traditional lands.

The Federal Government's NTA Bill, if passed, would enable upgrading of pastoral lease holdings for irrigated agriculture and the construction of dams and other infrastructure – without reference to traditional owners. (*CT, 18 June, p7*)

North-East Goldfields, Murrin Murrin

Anaconda Nickel Limited, which is building a large nickel mine and processing facility near Leonora, has announced an employment agreement with local Aboriginal communities. Anaconda has committed to employ 115 local Aboriginal people to work on the processing facility at Murrin Murrin. Anaconda is seeking Federal Government assistance to fund a training program over the next four years. (*Anaconda Nickel Media Release, 3 June, p1*)

Yandicoogina

After the March 1997 land-use agreement between Hamersley and the Gumala Aboriginal corporation (GAC), three self-sustaining businesses have been set up. The businesses provide services such as catering, equipment hire and earthmoving and provide employment for local Banjima, Niapaili and Innawonga people. (*Aus, 6 July, p33*)*

Northern Territory

Ashton Mining – Merlin project

Diamond production is due to start early next year on Ashton Mining's Merlin project after development consent was gained from native title claimants. The Wurdaliya and Wuyaliya landholdings groups consented to the Northern Territory Government's grant of the mining leases. Ashton and partner Aberfoyle Resources, have agreed to provide employment and training opportunities, to protect sacred sites and to pay compensation for disturbance of native title. (*Aus, 17 June, p30*)*

AMENDMENTS

National

ATSIC has stopped funding the National Indigenous Working Group who were responsible for devising its response and strategy in relation to the proposed amendments to the *Native Title Act*. Aboriginal Affairs Minister John Herron, according to senior Indigenous sources, had been under pressure by other ministers to prevent the Working Group staying active during a Federal election. The Working Group officially left its premises on Friday, but continues to run with the help of volunteers. (*CT, 2 June, p3*)*

After the One Nation Party polled strongly in the lead-up to the Queensland election, Independent Senator Brian Harradine indicated he was prepared to compromise on the Government's Native Title Amendment Bill, including the Government's demand for a tough threshold test, in order to avoid a double dissolution election over race. He is also prepared to negotiate on other Government sticking points such as the sunset clause and the issue of subjecting the NTA Bill to the Racial Discrimination Act. (*SMH, 5 June, p1*)*

The Prime Minister rejected Senator Harradine's offer to negotiate on the Government's NTA Bill, saying a double dissolution election on *Wik* would only be avoided if the Senate passes the NTA Bill unamended. (*SMH, 6 June, p5*)*

The Federal Government added to speculation that a double dissolution is looming by setting a deadline of only weeks for compromise to be found on their NTA Bill. (*CT, 8 June, p3*)

The Prime Minister, Mr John Howard, said further compromise on the Government's NTA Bill would assist Pauline Hanson's One Nation party and would be a tactical mistake. (*FinR, 11 June, p8*)*

Federal Cabinet has endorsed a decision to hold a double-dissolution election as early as August if the NTA Bill is not passed in the Senate within 16 days. (*Age, 17 June, pA1*)*

The Prime Minister, John Howard, has dulled hopes of a compromise on the Governments' proposed amendments, indicating that there is still a 'fair gap' between these and Senator Harradine's proposal. The Government rejects Indigenous claims to a legally enforceable right to negotiate on pastoral leases. Senator Harradine is willing to compromise on this, and has suggested that that the Indigenous right to negotiate be limited to significant heritage sites. (*Aus, 23 June, p2*)*

The Federal Government has negotiated a deal with Senator Harradine so that the NTA Bill can be passed in the Senate. The Government is consulting with State Governments and