

Following the decision on the "good faith" submission, the Tribunal will now move to determine the substantive question of whether the grant of the mining lease should go ahead, and if so, under what conditions. (*NNTT Media Release, 13 Aug, p1*)

Balanggarra People

The State Government has signed a framework agreement that recognises the Balanggarra people as traditional owners of about 26,000 sq km of land in the north-west Kimberley. The agreement, negotiated outside the *Native Title Act*, was signed last month. Negotiations are now proceeding over the details of the agreement, which should include recognition of native title rights and interests and issues of land management. (*Sunday Times, 6 Sept, p4*)

Northern Territory

Larrakia – East Arm (water) [NNTT Ref#DC94/4], and

Larrakia – East Arm (land) [NNTT Ref#DC94/5]

The National Native Title Tribunal has referred two Darwin native title applications to the Federal Court for resolution. Tribunal Registrar, Chris Doepel, said the two applications total 18 sq km of land and sea on the site of the East Arm Port being built in Darwin Harbour. The larger of the two applications - nearly 15 sq km - covers waters in East Arm as well as Catalina, North Shell and South Shell islands which the Northern Territory Government compulsorily acquired under the Lands Acquisition Act for the project. The smaller three sq km application covers the mainland Port area and was also subject to a compulsory acquisition.

The Northern Land Council on behalf of the Larrakia people lodged the applications on 18 November 1994. A number of meetings about these and other Darwin applications were held. Mr Doepel said as with all native title applications, the Tribunal sought to mediate a settlement between the parties. In this case the parties were the Northern Territory and Commonwealth Governments, the Larrakia people, and the Dangkalaba clan of the Larrakia people. He said referral of native title applications to the Federal Court only occurs when a resolution or settlement could not be achieved through the mediation process, and sometimes where important legal issues were involved. In this case, there was no prospect of a negotiated settlement between the NT Government and the native title parties. The Government also wants clarification of several key legal questions about the impact on native title of the compulsory acquisition of land and waters, and the subsequent development activities. (*NNTT Media Release, 4 Sept, p1*)

Fejo v Northern Territory [1998]

The High Court has handed down a judgement involving native title and freehold title. The Larrakia people had applied for their native title rights to be recognised over a large area of Crown land outside Darwin. The court found that the grant of land in fee simple (in 1882), which has since been resumed by the Crown (in 1927), had extinguished rather than suspended native title. The judges all agreed that a freehold grant did not leave any room for native title to co-exist. Native title could not be revived once a freehold grant ended and the land again became vacant Crown land. (*DT, 11 Sept p28*)(*WA, 11 Sept, p7*)(*Aus, 11 Sept, p2*)*

MINING AND NATURAL RESOURCES

New South Wales

Timbarra Gold Project – Ross Mining

An agreement between mining company Adelong Consolidated Gold Mines NL, the Wiradjuri and Walgalu people and the Tumut/Brungle Aboriginal Council, will be signed today. The parties agreed that the local Aboriginal community would have equity in a gold mine proposed for Adelong, and rights to job, education and training opportunities. Aboriginal people will also

have the right to enforce environmental standards and will be involved in monitoring and site clearance. The agreement will secure Aboriginal rights to protect significant areas. (*SMH*, 2 Sept, p6)* The Walgalu have agreed that they will consent to certain future acts, including the grant of mining tenements. (*Tumut and Adelong Times*, 4 Sept, p1)*

Queensland

Chevron Gas Pipeline

A memorandum of understanding between the Queensland and Papua New Guinea governments was signed yesterday over the building of Chevron's 2,600 km gas pipeline. The Queensland Parliament heard that a Labor Party Senate amendment to the *Native Title Act* excluded the pipeline project from the right to negotiate process, adding certainty to the project. (*Aus*, 6 Aug, p28)

Pasminco Century Project

NORQEB has issued a notice of intention as the first step toward acquiring native title rights for a power line on the Gunpowder to Pasminco Century Project. NORQEB is involved in negotiations with Aboriginal groups about having cultural heritage surveys done along the route. (*North West Star*, 10 Sept, p3)

Negotiations over getting power lines through to the Century Zinc mine have broken down. The talks, between Waanyi, Kalkadoon and Injilira people and the North Queensland Electricity Commission, have stalled over requests by Indigenous groups for their representatives to be paid negotiation fees. Indigenous representatives have also experienced opposition to their wish that the electricity generator supplies power to local communities. (*Aus*, 23 Sept, p2)*

Energy Equity

Energy Equity and the Kullilli people are involved in negotiations over compensation for the establishment of gas production facilities on mining lease land west of Eromanga in Queensland's far south-west. The negotiations have been held over a six month period and include the State Government and other interested parties. Under the proposed agreement, compensation moneys will be used to set up a lease for the Kullilli people, with an office and historical museum, and to purchase a cattle property. (*CM*, 19 Sept, p12)

South Australia

Heathgate Resources – Beverley Project

Uranium miner Heathgate Resources has struck an agreement with four Indigenous groups in the area of their Beverley project. The four groups are all native title applicants with interest in the country, which is between the Flinders Rangers and Lake Frome in South Australia's north. The applicants, representing the Kuyani and Andjmathanha peoples, will each receive a share of the agreed upon royalty. The applicants who finally establish title to the area, through processes of the *Native Title Act*, will then receive the entire royalty. Until then, Heathgate has agreed to cover legal, administrative and travel costs for all applicants. The agreement recognises traditional ownership of country. (*Aus*, 18 Sept, p26)*

Heathgate Resources have agreed to:

- provide employment for Aboriginal people of at least 20 per cent;
- provide training to employees about Aboriginal cultures; and
- build a 5 per cent advantage for Indigenous businesses into quotations for supply of goods and services. (*Ad*, 18 Sept, p21)

Western Australia

Hutt Lagoon, near Geraldton

The Nanda and Naaguja people have negotiated a native title agreement with biotechnology company, Betatene Pty Ltd. The agreement covers the use of Hutt Lagoon for an aquaculture project, which will expand the company's algae farm from 250ha to 500ha. The company has agreed to recognise Nanda and Naaguja people as the traditional owners and will also pay compensation. All parties are pleased with the agreement, which is backed by the Yamatji Land and Sea Council. (*WA, 29 Aug, p52*)

AGREEMENTS

New South Wales

Newtons Beach, Wonboyn

Local Aboriginal people have negotiated access to Newtons beach, which is located within a 19,000 ha wilderness area near Wonboyn. Access to the beach was blocked in July 1997, in order to protect the wilderness area. Eden Local Land Council chairperson, Ben Cruse, says his people will access the beach for cultural purposes including ceremonies and educational camps. (*Time, 31 Aug, p74*)

An agreement over the use and management of 10 hectares of land in Beacon Hill was signed yesterday. The agreement was between the Metropolitan Local Aboriginal Land Council, the Warringah Shire Council and the Brookvale Valley Community Group. (*SMH, 11 Sept, p2*)

Queensland

Charters Towers District

Negotiations between RGC Thalanga Highway-Reward mining personnel and the Kudjala people has resulted in agreement for Aboriginal artifacts found on the site to be professionally removed. (*Northern Miner, 11 Sept, p1*)

Western Australia

Regional Forest Agreement

The Western Australian and Federal Governments have been asked to widen their consultation process and speak to more Aboriginal people before they come to a decision regarding future logging in the South-West forests. Prominent Aboriginal people have called for the Regional Forest Agreement process to be stalled until important members of their community are consulted. (*WA, 29 Aug, p45*)

Northern Territory

Traditional owners have agreed to hand over areas of land that are needed to build the Alice Springs to Darwin railway. Under the agreement, the owners will be compensated through a package that includes remuneration and compensation for sacred sites as well as community development. It is estimated that the railway will cost \$1 billion. (*Ad, 14 Sept, p7*) (*NT, 15 Sept, p6*)*