

## **AGREEMENTS**

### **National**

The Goldfields region will host a conference next month to explore a new, more flexible process for making agreements about land use.

The one day conference called *The future of future acts* will bring together mining groups, State and local governments, native title claimants and their representatives to discuss the new provisions for Indigenous land use agreements in the amended *Native Title Act 1993*.

The conference, convened by the National Native Title Tribunal's Goldfields Mediation Service, will be held in Kalgoorlie on Tuesday 1 December 1998. The Chamber of Minerals and Energy, the Association of Mining and Exploration Companies and the Australian Mining and Petroleum Law Association have also supported the conference. The conference program is designed to explain the new provisions for agreements in the Act and explore possibilities for negotiated outcomes. The forum will also explore stakeholder perspectives and issues, and provide opportunities for conference participants to develop practical skills in agreement negotiation.

The Tribunal sees this forum as an important early step in capitalising on the new provisions in the Act and fostering a culture of negotiation to deal with development and native title issues. Indigenous land use agreements can be used to fast-track usage of land and water in ways that address cultural concerns, while leaving unresolved issues to be determined by other processes under the NTA, or complementary State or Territory laws.

The NTA, as amended, strengthens the contractual basis of agreements through a process of registration with the National Native Title Tribunal, or equivalent State or Territory body. (*NNTT Media Release, 16 Nov*)

### **New South Wales**

#### **Arakwal People [NNTT Ref#NC95/1] (see Claims section)**

An agreement between the Byron Shire Council and the Arakwal people was signed at Byron Bay yesterday. A part of the agreement, the Arakwal people will have input towards planning and development through a consultative committee. The Premier was present at the signing as official witness. (*SMH, 17 Oct, p7*)

#### **Walgalu and Wiraduri Peoples, Adelong Consolidated Gold Mines**

An agreement relating to gold mining activities by Adelong Consolidated Gold Mines NL has been lodged with the National Native Title Tribunal. The agreement was lodged by the New South Wales Aboriginal Land Council on behalf of the Walgalu and Wiradjuri peoples and is the first Indigenous land use agreement to be lodged under the amended NTA. The Land Council is confident the agreement will be accepted. (*Rural News, 23 Oct*)

#### **Forests Agreement**

A landmark agreement between the New South Wales Aboriginal Land Council and the State Government has been hailed as an important progression in the recognition of Aboriginal land rights in New South Wales. The agreement concerns the implementation of the *Forests and National Parks Estates Bill 1998*, and ensures that the dedication of any national parks created under the Bill, as well as their management, will comply with the *Racial*

*Discrimination Act 1975* and the NTA. A framework agreement will now be negotiated to enable this to be implemented.

Land Council Chairperson, Cr Ossie Cruse, said that the agreement involves the recognition that native title rights are potentially still held by Aboriginal people in many areas. Where these rights haven't clearly been extinguished the Government has agreed to negotiate. (*NSWALC Media Release, 23 Nov, p1*)\*

This agreement marks a major turnaround in the way the Government will deal with Aboriginal people in regard to Crown land. Previously, Aboriginal people had to prove their native title exists in any area declared a national park. Now, unless native title has been clearly extinguished, it is assumed that there are native title holders with whom agreements must be struck. A spokesperson for the Premier described the agreement as one which will promote sitting down and talking, rather than going to court. (*SMH, 24 Nov, p3*)

## **Victoria**

### **Mount Hotham**

The Gunai/Kurnai peoples have struck a land agreement with the Victorian Government and Mount Hotham Ski Company. The agreement, made outside the NTA, paves the way for the construction of an airport that will be central to the development of the Mt Hotham and Falls Creek snowfields. Under the agreement the land for the airport has been excluded from the native title claim so construction can be guaranteed. (*HS, 12 Oct, p3*)

## **Queensland**

### **Lawn Hill National Park Area**

The Queensland Government and the Waanyi people have agreed to negotiations over the selling an area of land to the Government. The land is owned jointly by the Waanyi people and Pasminco's Century Zinc project and is adjacent to the World Heritage-listed Lawn Hill National Park. The Government wishes to protect the area as part of the Park and are hoping to secure the land for a reasonable price in return for Waanyi involvement in the management of all aspects of the area. Pasminco are reported to have said that they would agree with the decision the traditional owners made in regard to the land. (*North West Star, 28 Sept, p3*)\*

### **North Stradbroke Island**

A community workshop has been held as part of the North Stradbroke Island Native Title Process Agreement. Among other things, participants discussed future employment prospects, the effect of sand mining on the island and management of tourism and housing. The workshop canvassed community views to enable consultants to focus on issues of importance. (*Bayside bulletin, 3 Nov, p3*)

### **Pasminco-Century Gulf Agreement**

As part of the 1997 Agreement, Indigenous people are taking part in training and development programs. Some trainees are studying for a rural skills certificate and will be placed on stock stations in the region. Other trainees are gaining skills in catering, clerical work, mining and engineering. (*Townsville Bulletin, 21 Nov, p6*)

### **Koutha Aboriginal Development Corporation**

Koutha Aboriginal Development Corporation has entered into Memorandums of Agreement with Ernest Henry Mining, McIvers Transport and Thiess Contractors. The Agreements commit the parties to find trainee and apprenticeship positions for north-west Queensland Indigenous people. The Agreements formalise already existing relationships where the mining companies provide trainee and apprenticeship positions and Koutha arranges for

people to fill them. In the case of McIvers, the Agreement with Koutha builds on the existing commercial joint venture. These Agreements reinforce the commitment to work together. (*Peninsula Post*, 26 Nov, p3)

### **Northern Territory**

#### **Jawoyn Association**

An agreement to be signed by the Jawoyn Association, the Northern Land Council and the Northern Territory Government, surrenders native title rights on an area of horticultural land in exchange for renal dialysis facilities and an alcohol detoxification centre to be provided by the Territory. Jawoyn executive director, Robert Lee recognised that the Government should provide these services but said that the people don't want to wait for the slow bureaucracy. (*Aus*, 20 Oct, p1)\* The agreement has been condemned as a national shame and a worrying precedent with Australian Medical Association Vice President, Dr Sandra Hacker, saying it's not proper to barter for health care. Mr Lee said the surrendered land contains no sacred sites and no hunting areas or ceremonial places. (*Age*, 21 Oct, pA9)\* Mr Lee defends the Jawoyn people's decision, saying that they have a right to make decisions in regard to their lands. (*Aus*, 26 Oct, p13)

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Native Title Representative Bodies feel uncertain about their future after the passing of amendments to the *Native Title Act 1993*. Under the new Act, all 25 of the Representative Bodies will have to reapply for their right to represent native title applicants. Indigenous leaders have expressed concerns over the Minister for Aboriginal Affairs having the power to refuse Representative Body status. (*SMH*, 1 Oct, p2)

Deputy Chair of the National Indigenous Working Group on Native Title, Mr Les Malezer, said that Indigenous leaders have made a decision to fight the new native title legislation using a three-pronged approach. Unworkable aspects of the Act would be fought case-by-case, submissions to international bodies would continue to bring international attention to human rights issues in Australia, and a High Court challenge will focus on a claim that the Government has used its race powers unconstitutionally. (*SMH*, 1 Oct, p2)

The new registration test under the NTA, as amended, is expected to deny many native title applicants the right to negotiate. The Western Australian Government expects that approximately half the number of claims in the State would fail the new test. In New South Wales, seven out of 10 applications are likely to fail the test, while the Cape York Land Council believes that most claims in the far north of Queensland will pass. The National Native Title Tribunal will allow three months for applications to be revised before they apply the new test. (*CT*, 1 Oct, p2)

The National Native Title Tribunal today invited Indigenous people in the Mid West and Gascoyne region to take part in forthcoming briefing sessions on the detail of major changes to Federal native title laws which took effect on 30 September this year.

Tribunal Regional Coordinator Lillian Maher said briefings would be held in Geraldton, Mullewa, Shark Bay, Mount Magnet and Carnarvon over the next few weeks to set out the rights and obligations of native title applicants under the new laws.