



AIATSIS

AUSTRALIAN INSTITUTE OF ABORIGINAL AND TORRES STRAIT ISLANDER STUDIES

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NATIVE TITLE NEWSLETTER

No. 2/98

April 1998

NATIVE TITLE IN THE NEWS February - March 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 = The Border Mail

CM = Courier Mail (QLD)

CP = Cairns Post

CT = Canberra Times

DM = Daily Mercury

DT = Daily Telegraph

FinR = Financial Review

HS = Herald Sun (VIC)

KM = Kalgoorlie Miner

LE = Launceston Examiner

NM = News Mail (Bundaberg)

NTN = Northern Territory News

Rep = The Republican

SC = Sunshine Coast Sunday

SMH = Sydney Morning Herald

ST = The Sunday Times

Tel M = Telegraph Mirror (NSW)

WA = West Australian

WAus = Weekend Australian

APPLICATIONS

ACT

Ngunawal [NNTT Ref#AC98/1]

Aboriginal people, who have lodged a native title application over Parliament House and the High Court in Canberra, said they want recognition, maybe in the form of a plaque. Tyrone Bell, whose father Don Bell lodged the application on behalf of the Ngunawal people, stated his people were not seeking possession of the site or compensation. (*CT*, 4 Mar, p6)

New South Wales

Ngunawal People [NNTT Ref#NC98/5] [NNTT Ref#NC97/37]

Another Ngunawal group is opposing a native title application lodged by Nurri Arthur Williams over 17ha block of land next to the lawn cemetery on Lanyon Drive Queanbeyan. Mayor Frank Pangallo said that the Queanbeyan Council had invited the applicants, NSW Aboriginal Land Council and two NSW departments to a meeting to work out an agreement that would allow the Council to go ahead with the expansion of the cemetery into the area subjected to the native title claim. (*CT, 11 Mar, p2*)

Victoria

Yorta Yorta Clans [NNTT Ref#VC94/1]

A formal agreement will be signed allowing construction of a natural gas pipeline from Chiltern to Yarrawonga to begin. Under section 31 of the *Native Title Act* the Yorta Yorta people, Stratus Networks and the Victorian Government will sign this good faith negotiation agreement. The Yorta Yorta people had made a native title application over Northeast Victoria and Southern NSW that establishes their right to negotiate any projects in the area. A license to construct a pipeline will only be issued after negotiations under the *Native Title Act* are completed. (*BM, 4 Feb, p8*)

Queensland

Mr Fourmile [NNTT Ref#QC94/7]

The Federal Court upheld a request by Mr Fourmile for a review of a NNTT determination allowing a development to proceed on land near Cairns over which he had lodged an application. It ruled that the NNTT does not have the power to determine whether native title exists, and held that only courts can exercise this judicial power. Justice Drummond stated that 'native title cannot subsist in land the subject of an existing freehold grant'. Mr Fourmile lodged the claim after Selpam Pty Ltd applied in 1994 for a development on 65ha of land. The Federal Court found that the procedure followed by the NNTT of deciding 'non-claimant' applications and then lodging it with the courts was not valid. (*FinR, 14 Feb, p7*)

Barada Barna, Kabalbara, & Yetimarla People [NNTT Ref#QC97/59]

The Barada Barna, Kabalbara and Yetimarla people's native title application over an area of the Bowen Basin coal fields covering Lake Vermont Coal deposit has been registered but not yet accepted by the NNTT. Among other things the applicants assert the right to hunt, fish, harvest and to collect natural resources for customary and commercial purposes including water and minerals above and below the surface (*FinR, 20 Mar, p1, 8*)

Western Australia

Neil Albert Phillips [NNTT Ref#WC97/5]

The native title application paid for by Kingstream Resources could be referred to the Federal Court which will result in a test of the validity of the application in comparison with 33 other overlapping applications. (*WAus, 13 Mar, p9*)*

Widi Mob [NNTT Ref#WC97/72]

A native title application on behalf of Joan Martin and 13 close family members covering more than 52,000sq km and involving 11 country shires was lodged. It was accepted by the NNTT on 26 August, giving Widi Mob the right to negotiate over the future use of leased land. (*ST, 22 Mar, p3*)

Northern Territory

Alice Springs [NNTT Ref#DC94/2]

The Arrernte people, represented by the Central Land Council, are seeking a determination over vacant crown land in and around Alice Springs. (*NTN, 14 Feb, p14*)

South Australia

Arabunna Peoples [NNTT Ref#SC98/2]

Arabunna people have lodged a native title application covering an area over 80,000sq km in central South Australia. A lawyer for the Arabunna people Mr Stephen Kenny stated that the application would not give the Arabunna any right to interfere with pastoral activity, only the right to negotiate with mining companies. (*Ad, 27 Mar, p24*)

MINING AND NATURAL RESOURCES

National

Resource Minister Warwick Parer said the mining policy statement of the Howard Government showed the government's commitment to maximize competitiveness, certainty and investment in the mining industry. The mining policy reiterates firmly the need for environmental and native title laws to give certainty to the mining industry. (*CM, 3 Feb, p2*)

Western Australia

Aboriginal people and 13 mining companies in Western Australia have agreed on a process to identify and clear Aboriginal heritage sites on 22 million hectares of Goldfields. The agreement, the largest of its kind in Australia, was negotiated between the Aboriginal North East Independent Body and the Mining Company Forum with the help of the Goldfields Lands Council in Kalgoorlie-Boulder. The Aboriginal body's interim chairman, Aubrey Lynch, said the agreement showed miners and native title applicants can come to an agreement on the use of land. (*CT, 9 Feb, p2*)

Campaign to change the *Native Title Act* has been accelerated by the WA mining industry. The industry is concerned that 1700 mineral titles in WA will still be trapped in the system even if the Prime Minister's amendments to the native title legislation are approved. Since the proposed change to give only one party the right to negotiate will be back dated only to June 27, 1996. (*ST, 1 Mar, p2*)

The WA Aboriginal land councils and native title representative bodies have called on the State Government to draw up a code of conduct to regulate the behavior of mining companies dealing with native title. The WA Native Title Working Group stated serious questions had been raised by the admission from An Feng Kingstream Managing Director Nik Zuk that his company had paid to lodge Neil Philip's application. (*WAus, 14 Mar, p4*)*

The Ngaluma and Injibandi people have signed an agreement with BHP subsidiary, Pilbara Energy Pty Ltd for extension of a natural gas pipeline across the Burrup Peninsula. The agreement with the eight individual native title applicants from the two groups was the first of its kind by iron ore prospecting arm of BHP in the Pilbara region. (*WAus, 17Mar, p6*)*

Queensland

Federal National MP Bob Katter stated that locals from Mount Isa unless of Aboriginal descent were being overlooked for jobs. A spokesperson for the Pasmaico Century project in