

CLAIMS

Queensland

Gungarri People [NNTT Ref#QC96/1]

Correction

In the last edition of the newsletter (1/99), a sentence in relation to the Gungarri people's native title application was incorrect. In relation to the Gungarri people's connection report, the sentence says "Mr Neate said the report provides information from the Gungarri people, proving their links to the land". This sentence should read: "Mr Neate said the report provides information which the Gungarri state proves their links to the land". We apologise for any misunderstanding this may have caused.

Mualgal People [NNTT Ref#QC96/20], and Saibai Island Community [NNTT Ref#QC95/13]

In a special sitting in Cairns, the Federal Court has formally recognised native title in two separate determinations covering Moa and Sabai Islands in the Torres Strait. Moa and Sabai are the first (and second) determinations of native title in the Torres Strait under the *Native Title Act 1993*, and the first two of 67 applications in the area to be resolved.

The agreed determinations are the result of nearly two and a half years mediation by the National Native Title Tribunal. The Federal Court issued a consent order, ratifying agreements reached between the parties after nearly two and a half years of mediation by the National Native Title Tribunal. The agreements formally recognised the traditional rights and interests of the Mualgal and Sabai people to the land and inland waters of Moa and Sabai Islands in Australian law.

Incoming Tribunal President Mr Graeme Neate said the determinations showed again that native title issues could be resolved through negotiation, and provided a framework for the resolution of other native title matters in the region. Mr Neate acknowledged the contribution of former Tribunal President Justice Robert French who personally led the mediation on both agreements ratified today by the Federal Court. He also acknowledged former Tribunal Member Mr Rick Farley for his role in mediating the Moa application. Mr Neate also praised the Queensland Government, saying it set an example for other governments around Australia with its constructive approach to the resolution of native title issues by mediation.

Mr Neate said a native title determination reached through mediation can include more than a recognition of native title rights in Australian law. It may also include agreements about how those rights can be exercised concurrently with the rights of others - including the rights of other Indigenous people who may not be the native title holders but who have historical links to the area.

The native title determinations include a number of land use agreements between the native title holders and other parties such as service providers like Telstra, the Island Community Councils and, on Moa Island, the residents of the St Pauls' Community, many of whom descend from South Sea Islanders. Both agreements also recognise the traditional access

rights of the inhabitants of Papua New Guinea, which is only five kilometres away and visible from Saibai Island. (*NNTT Media Release, 12 Feb*)*

South Australia

Adnyamathanha People

Five overlapping native title applications by the Adnyamathanha people in South Australia's Flinders Ranges have been united in one application after extensive negotiations.

National Native Title Tribunal Member Fred Chaney, who was involved in the negotiations, said the move was a significant breakthrough in the long-term resolution of the applications. He said by acting in a united way, the Adnyamathanha people have far greater prospects of engaging non-Indigenous interest holders and the State Government in constructive negotiations.

Mr Chaney said documents had been filed in the Federal Court combining the applications and further moves were expected to formally withdraw four of the claims. One of the applications was lodged in 1994, two in 1995 and a further two in 1997.

The Adnyamathanha people would now pursue a united 72,000 square kilometre application seeking native title rights and interests including the right to:

- maintain and protect places of importance;
- control, maintain and protect the use and misuse of cultural knowledge; and
- use and enjoy the resources of the area. (*NNTT Media Release, 1 Feb*)*

Western Australia

Rubibi # 6 [NNTT Ref#WC95/28], Leregon (Lanaganjun) Clan [NNTT Ref#WC95/43] Action over two overlapping native title applications, which were referred to the Federal Court in July 1998, has been adjourned to allow negotiations over a section 137 inquiry. Section 137 of the *Native Title Act 1993*, says that the Commonwealth Minister may direct the National Native Title Tribunal to hold an inquiry in relation to a particular matter or issue relating to native title. Matters covered by such an inquiry could be: the effect on Aboriginal peoples and Torres Strait Islanders of the validation of particular past acts or intermediate period acts; alternative forms of compensation that could be provided; and action that could be taken to assist Indigenous peoples where native title has been extinguished.

Support for the adjournment, as well as in principle support for the inquiry, has been given by all parties involved. If the inquiry goes ahead, it will be the first to be held in Australia. (*The Broome Advertiser, 17 Feb, p10*)

MINING AND NATURAL RESOURCES

Queensland

WMC Ltd, Carpentaria Basin

Mining company WMC Ltd has secured the right to explore the Elizabeth Creek area from the Queensland Government. A permit can only be granted after a procedure to work with native title is in place. The company will re-enter negotiations with Indigenous groups in north-west Queensland over further exploration in the province. A spokesperson for WMC said they aim, over the next few months, to enter into an Indigenous land use agreement with the Carpentaria Land Council. (*CM, 18 Feb, p22*)*