

AGREEMENTS

Northern Territory

Adelaide-to-Darwin Railway

In the first native title agreement negotiated with the Northern Territory Government, Aboriginal people have signed over land to be used by the Adelaide-to-Darwin railway. The Northern Land Council and the Central Land Council agreed to a \$10 million compensation package in return for the 100m wide and 1385km long strip of land. (*CT, 12 Feb, p2*)*

AMENDMENTS

National

A report prepared by the Indigenous Law Centre, says changes to native title legislation and to policies on Indigenous affairs have left Australia in breach of its international treaty obligations. The report, commissioned by ATSIC, has gone to the United Nations Committee on the Elimination of Racial Discrimination (CERD), which asked the Australian Government to report after concern was raised over developments in the areas of native title and social justice. Australia submits periodic reports to CERD, the last report being in 1994. The ATSIC submission to the UN also reports on other developments since 1994, saying that the social justice package process has been abandoned and the policy of self-determination has been jettisoned. The submission says that the Federal Government has also failed to show leadership in deferring to the States and Territories and passing significant responsibilities, such as native title, to them. It also criticised the Government for not having made any appointment to the Office of Aboriginal and Torres Strait Islander Social Justice Commissioner since January 1998.

The full ATSIC submission is available from ATSIC's website: <http://www.atsic.gov.au> (*ATSIC Media Release, 18 Feb*)*

Aboriginal and Torres Strait Islander Affairs Minister, Mr John Herron, has announced the areas proposed for which eligible organisations will be invited to apply for recognition as Native Title Representative Bodies. Under the amended NTA, the Minister is required to decide on the areas before issuing invitations to interested organisations to apply for recognition. Mr Herron has called for submissions on the proposed boundaries by 12 March and expects to make a final decision by the end of March.

The boundaries create the areas over which Representative Bodies, such as existing Indigenous land councils and organisations, will have the responsibility for handling native title processes.

Information and maps about the proposed areas can be obtained by contacting ATSIC on 02 6289 3485 or 02 6289 3531. (*Senator John Herron, Media Release, 19 Feb*)*

Western Australia

The Western Australian Government and the Labor Opposition are negotiating a compromise on the Government's proposed native title legislation. The talks were initiated by the Labor Party. According to *The Australian*, the deal would enable passage of the Government's Validation Bill with the Government accepting amendment to exclude historical leases from

the list of tenures confirming extinguishment in the Bill. The Labor Party would then accept the schedule. (*Aus, 26 Feb, p6*)

GENERAL NATIVE TITLE ISSUES

National

The Prime Minister, Mr John Howard, has proposed a question on a new preamble for Australia's constitution to be put at the referendum planned for November. Mr Howard said that the preamble should be narrow in its wording. He said it should recognise the prior occupation of Australia by the Indigenous people but warns against getting into 'judgmental' areas such as dispossession. (*SMH, 5 Feb, p2*)*

ATSIC Chairperson, Mr Gatjil Djerrkura, and the Chairperson of the Council for Reconciliation, Ms Evelyn Scott, support a question on a preamble that includes recognition of Indigenous peoples' prior ownership of Australia. (*FinR, 8 Feb, p6*)*

The Prime Minister, Mr John Howard, has confirmed that acknowledging more than Aboriginal prior occupation in the proposed new preamble would be unacceptable. This would include any mention of 'custodianship'. (*Age, 10 Feb, pA6*)*

The Opposition Leader, Mr Kim Beazley, supports the recognition of prior occupancy and ownership by Aboriginal people as part of the proposed preamble. (*WA, 10 Feb, p4*)*

Queensland

Queensland Premier, Mr Peter Beattie, has asked the Prime Minister to allow small miners collective access to Commonwealth funds set aside to help landholders with native title processes. (*CM, 8 Feb, p4*)

Western Australia

Western Australia's assistant Director General of the Ministry of the Premier and Cabinet's Native Title and Strategic Issues Division, Mrs Vera Novak, is a major shareholder in mining companies. This raises questions regarding conflict of interest. Mrs Novak is responsible for native title policy coordination and development and is involved in policy setting and the drafting of legislation in native title. Premier Richard Court denies a conflict of interest, saying that Mrs Novak has previously declared her share interest to the Ministry and that she did not work on claims where there would be such a conflict. Mrs Novak said that she did not believe there was a conflict of interest in holding shares in a mining company that had tenements in an area under native title claim. (*WA, 18 Feb, p1*), (*WA, 19 Feb, p4*)

Native Title Research Unit Publications

The following NTRU publications are available from Aboriginal Studies Press, ph.: (02) 6246 1191.
A Guide to Overseas Precedents of Relevance to Native Title Prepared for the NTRU by Shaunnagh Dorsett and Lee Godden. AIATSIS, Canberra. (cost \$18.95 including postage)
Working with the Native Title Act: alternatives to the adversarial method. Edited by Lisa Strelein, 1998. (\$9.95 including postage)
Regional Agreements: Key issues in Australia, volume 1. Edited by Mary Edmunds, 1998. (\$16.95 including postage)
A Sea Change in Land Rights Law: The Extension of Native Title to Australia's Offshore Areas by Gary D. Meyers, Malcolm O'Dell, Guy Wright and Simone C. Muller, 1996. (\$12.95 including postage)