

The Tribunal concluded that the six other native title parties had already effectively given their approval to the grant of the tenements in earlier agreements negotiated with the company. A series of other tenements for Stage II of the Murrin Murrin project remained before the Tribunal for a decision on whether they could be granted.

In this decision, Mr Sumner said it was his firm opinion that the interests of all parties would be served by further negotiation. He said that outstanding issues under the various agreements could be addressed and importantly a mechanism found for Anaconda to realise its commitment to pay a substantial sum per annum into a charitable trust.

The Tribunal conducted hearings and detailed inquiries in Perth and Leonora, including a visit to the Murrin Murrin plant site, the general areas of the proposed mining leases and other areas of interest to native title parties. (*NNTT Media Release, 19 Mar*)

AGREEMENTS

International

Nunavut

A new territory has been formed in Canada after agreement between the Canadian Government and the Inuit people. The territory of Nunavut, which came in to being on 1 April 1999, covers around two million square kilometres of Canada's Northwest Territories. (*SMH, 2 Apr, p4*)* Under the agreement, the Inuit will have absolute title to areas of land totalling 350 000 square kilometres. Within areas totalling 10 per cent of that land, the Inuit will have rights to minerals. The agreement also includes funding that the Inuit will use to fund business, to provide student scholarships and hunting equipment. There is also provision for a training trust fund from federal government royalties from mining on Crown lands. The key institutions of the territory will have half their members from Inuit people with the other half being appointed by the Canadian and Nunavut governments. The Nunavut Government is expected to be representative of the territory's population, with more than 85 per cent being Inuit. As part of the agreement, the Inuit surrendered 'any claims, rights, title and interests based on their assertion of an aboriginal title'. (*Aus, 5 Apr, p36*)

New South Wales

Adelong Area Agreement

Australia's first Indigenous land use agreement under the amended NTA, moves into public notification today. The Area Agreement between Adelong Consolidated Gold Mines NL, the NSW Aboriginal Land Council and representatives of the Walgalu and Wiradjuri people in the Tumut and Adelong area of NSW, was the first lodged for registration with the National Native Title Tribunal. Tribunal Registrar Mr Chris Doepel said under the amended NTA, the process of registration with the Tribunal ensures that the Agreement has contractual force.

The NSW Aboriginal Land Council - as the Native Title Representative Body - has certified the Adelong Area Agreement, saying it undertook a consultation process to identify the potential native title holders in the area and obtained their authorisation for the Agreement. The Tribunal has placed advertisements about registration of the Adelong Area Agreement in national, state and local newspapers. The advertisements say people who claim to have native title to the area have until 9 June to lodge an objection to registration of the Agreement.

Under the terms of the Agreement, representatives of the Walgalu and Wiradjuri people consent to mining operations by Adelong Consolidated Gold Mines in the area. The agreement also includes the transfer of shares to the Aboriginal community, employment opportunities, cultural heritage protection and environmental monitoring. (*NNTT Media Release, 10 Mar*)

Hillgrove Mining

The Dunghutti, Anaiwan and Gumbayngirr peoples, Hillgrove Mining and the NSW Department of Mineral Resources have struck an agreement that allows for Hillgrove to expand and for scholarships and employment opportunities for local Aboriginal people. Compensation to traditional owners under the agreement also includes site beautification. The package will be monitored by a group with representatives from each Aboriginal Nation and from Hillgrove Mining. (*Land Rights Queensland, March, p3*).

Wollongong University – Satellite Campus

An agreement between the Jerinaga and Wreck Bay Aboriginal communities and the University of Wollongong has paved the way for the construction of a satellite campus of the University at Nowra. The agreement gave special permission for acquisition of the site. The campus will constitute stage one of the South Coast Educational Network, which plans to make education more accessible. (*Aus, 10 Mar, p46*)

National Parks Framework Agreement

The New South Wales Government and the NSW Aboriginal Land Council have signed a framework agreement that recognises that Aboriginal rights may exist in around 700 000 hectares of land in the 151 national parks created by the Government. Under the framework agreement, native title applicants could negotiate smaller agreements that could lead to such things as joint management of a national park, employment, and a role in tourism ventures. (*SMH, 11 Mar, p3*)

Wellington Common

Wellington Common will be handed over to Aboriginal people if an agreement between Wiradjuri representatives and the Wellington Council goes ahead. The five parties involved are expected to finalise the agreement next week. The land will then be handed over by the State Government as freehold title. The council wish to maintain public access to the Macquarie River, which runs past the common, and seek to guarantee that certain roads will remain open to the public. The Wiradjuri native title applicants wish to use part of the land to build tourist accommodation to provide an economic base and employment opportunities. (*SMH, 20 Mar, p8*)

Queensland

Moorgumpin (Moreton Island)

Traditional owners of Moorgumpin (or Moreton Island) and the Brisbane City Council, have signed a symbolic agreement in which the Council recognises traditional ownership. According to Brisbane Lord Mayor, Jim Soorley, the agreement is an ‘important and binding understanding that Council will continue to consult with the Quandamooka Land Council on issues relating to the future of the island’. The agreement, which is non-binding, represents a two year period of discussions. It lays the ground-work for cooperative initiatives that will help to protect the Island’s natural and cultural heritage. There is a clause in the agreement encouraging the Queensland State Government to proceed with a determination of native title. (*Land Rights Queensland, March, p3*).

Indigenous Land Use Agreements, Mackay

Two Indigenous land use agreements over areas in Mackay, Central Queensland, have been

lodged at the NNTT in Brisbane. The two agreements seeking registration are as follows:

1. Mackay Harbour Beach Park. The agreement is around the gazettal of land in the Beach area to the Mackay City Council for the purpose of developing park and recreation facilities.
2. Mackay Surf Lifesaving Club. The agreement is around leasing land in the Beach area to the Lifesaving Club for the purpose of a new clubhouse and facilities.

The requesting party to the agreements is the State of Queensland with other parties being; the Birri Gubba people, the Wiri/Yuwiburra people, the Yuibera people, the Wirri/Yuwiburra and the Mackay City Council. (*QNT, Apr, p3*)* The agreements do not extinguish native title. (*Daily Mercury, 6 Mar, p3*)

Hummock Hill Island – Launch System

Negotiations have started over a proposed space station site on Hummock Hill Island. United Launch System International and the Gurang Land Council, who are negotiating on behalf of traditional owners, are understood to be holding discussions over access to land, education opportunities and employment. The negotiations are following a formal process set out under the NTA. (*The Observer, 24 Apr, p5*)

Tasmania

Wybalenna

At a ceremony in Wybalenna on Flinders Island, Tasmanian Premier, Mr Jim Bacon, presented letters of agreement that hand back Wybalenna land to Aboriginal people. (*SMH, 1 Mar, p4*)* The agreement settles Australia's oldest Aboriginal land claim, first petitioned with Queen Victoria in 1845. (*Ad, 1 Mar, p15*)*

Tasmanian Justice and Industrial Relations Department secretary, Mr Richard Bingham, is to chair a working party set up to negotiate a range of issues with the Aboriginal community. The working party will conduct negotiations aimed at the return of parcels of land to the Aboriginal community. (*Mer, 19 Mar, p7*)*

The Aboriginal community on Flinders Island has been officially handed the title deeds of Wybalenna. Title will be held by the Aboriginal Land Council of Tasmania, with the site to be managed by a committee from the Flinders Island Aboriginal Association. (*Mer, 19 Apr, p5*)*

Northern Territory

Indigenous Land Use Agreement - Katherine

The National Native Title Tribunal has moved to register the Northern Territory's first Indigenous land use agreement under new Commonwealth native title laws. Tribunal Registrar, Chris Doepel, said he had agreed to public notification of an application to register the agreement over Crown land near Katherine. The land was known locally as the 'Venn Blocks', and 'Warlangluk' by the traditional owners.

Mr Doepel said the agreement involved the Jawoyn native title holders agreeing to the extinguishment of native title rights and interests over the land so it could be subdivided by the Northern Territory Land Corporation for horticultural projects. In return, a newly created Warlangluk Aboriginal Corporation would receive freehold title to a 16 hectare site in the same area, adjacent to the Stuart Highway and about 20 kilometres south of Katherine. The freehold land would be used by Kalano Community Association for an alcohol rehabilitation facility, and other community purposes.

Under the agreement, the Northern Land Council has also agreed to withdraw a land rights claim over the horticultural land. The claim was lodged just prior to the June 1997 sunset clause of the *Aboriginal Land Rights (Northern Territory) Act 1976*. Parties to the Agreement were the land claimants, the native title group (comprising the Northern Land Council), the Jawoyn Association, the NT Land Corporation and the Northern Territory Government.

Negotiations over the agreement received national publicity last year when the traditional owners sought to include the provision of renal dialysis machines as part of the agreement. Since then, the Northern Territory Government has committed to providing renal dialysis facilities in Katherine and they no longer form part of the agreement. If there are no objections, the Agreement will be formally registered in July. (*NNTT Media Release, 7 Apr*)

AMENDMENTS

Queensland

The Queensland State Parliament has passed legislation to set up a land and resources tribunal that will oversee the granting of mining leases in the State. This is the third stage of the Government's native title regime. The tribunal will report to Parliament with the mining Minister having the power to overturn tribunal decisions. The tribunal will also take over the functions of the State's Mining Warden's Court. (*Aus, 11 Mar, p2*)

The Commonwealth Government has asked the Queensland Government to amend recently passed State native title legislation. The Australian Democrat's spokesperson on Indigenous affairs, Senator John Woodley, has asked Queensland Premier Peter Beattie to forward the proposed amendments to him. In a letter to the Premier, Senator Woodley stated that Federal Parliament retains a veto over State native title legislation, a veto which effectively lies with the Senate. Senator Woodley said he understands that there are around 250 amendments being proposed by the Commonwealth. He said the Democrats would not support any Commonwealth amendment that would water down Indigenous rights when the legislation comes before the Senate. (*Senator Woodley - Media Release, 22 Apr*)

Western Australia

Influential figures in the Western Australian Labor Party are working on three different and conflicting compromises on the Government's proposed native title legislation as follows:

1. Deputy Leader, Eric Ripper, is negotiating with the Premier's Office to find common ground;
2. MPs Julian Grill and Mark Nevill have presented the Opposition Leader with a package worked out with the Government's native title advisor John Clarke. The package would validate leases in line with the Government's proposed Validation Bill, compromising to exclude historical and expired leases other than pastoral leases; and
3. senior factional figures have proposed a back down on opposition to the Government's proposed State Native Title Commission. (*WA, 3 Mar, p10*)*

Opposition Leader, Dr Geoff Gallop, rejected the proposed compromises saying that the Labor Party would not back down on its principles on native title rights for apparent political gain. He also made it clear that factional powerbrokers and other heavy-weights would not be allowed to dictate to the Labor Party. (*WA, 5 March, p10*)*