

rather than presenting such information through the court processes within rules of law.

Connection reports might also be best prepared towards the end of the claims process, thereby allowing maximum time for research. It is through the claims process that the dynamics of the applicant group is established, presenting as it does, unique opportunities for applicants to meet and to share knowledge - in some instances, for the first time. During these processes they become more familiar with native title requirements and learn how to articulate relationships to land in legislative terms.

One school of thought at the Workshop held that the new more rigorous Registration Test for native title applicants might be seen as producing sufficient information to trigger mediation, particularly given that Representative Bodies must sign off on applications and that applicants have already signed affidavits. Other suggestions involved 'whole of region' reports and research processes.

The Combined Representative Bodies of Queensland, through the QWIG, are approaching the Native Title Services of the Department of Premier and Cabinet in an attempt to establish more acceptable practice, greater understanding and more transparency. Workshop proceedings are currently being prepared at the Central Queensland Land Council and it is hoped to activate a working group towards this end. Such workshops are crucial to the development of unified positions in the dealings of Representative Bodies with Governments.

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## **NATIVE TITLE IN THE NEWS - NOVEMBER & DECEMBER 1999**

### **International**

The Commonwealth Association of Indigenous Peoples (CAIP) was officially launched at the Commonwealth Heads of Government Meeting (CHOGM) in Durban, South Africa on 12 November 1999. CAIP's objectives include providing and promoting links between Indigenous People's of the Commonwealth and assisting in the development of sustainable solutions to land rights conflicts. (see article page 13) (*LRQ, Dec 1999, p16*)

## National

Senator John Herron, Minister for Aboriginal and Torres Strait Islander Affairs, announced an extension of time for the transition period for the selection of Native Title Representative Bodies from 30 October 1999 to 30 June 2000. The transition period was to allow for the selection of eligible bodies for recognition as Representative Bodies under the amended *Native Title Act*. Senator Herron stated that the process of selecting bodies for recognition had proven to be complex and time consuming. (*NTN (Qld)*, Nov 1999, p1)

Delegates attending the Fish Rights 99 conference in Perth, Western Australia, called on all Australian governments to recognise Indigenous ownership and management of the sea, inland waterways and their resources. Mr Parry Agius, Chairperson of the National Indigenous Working Group, stated that the government was not being threatened but was being advised. 'The longer the government and other interests continue to ignore Indigenous rights the greater the implications will be for further litigation and compensation issues', he said. (*Media Release, NSW Aboriginal Land Council, 18 Nov*)\*

The full Federal Court dismissed a federal Government appeal seeking to overturn the Croker Island decision. All three judges rejected the federal Government's argument that native title could not exist in offshore waters. However a 2 to 1 majority rejected the appeal by the native title claimants that native title gave them exclusive possession of the seas around Croker Island. (*Aus, 4 Dec, p4*)\*

The National Native Title Tribunal is holding workshops around Australia on Native Title Corporations, for native title applicants and their representatives. The workshops will focus on practical issues involved in developing corporate structures to manage native title. Corporations called *registered native title bodies corporate* need to be established when the Federal Court makes a determination of native title. A new guidebook on the design of native title corporations has been published to coincide with the workshops. (See article page 14) (*NNTT Media Release, 3 Nov*)

## Victoria

The Swan Hill local Aboriginal community has compiled a 300-page connection report as the first step towards making a native title claim. The claimants represent 8 Aboriginal clan groups in north west Victoria, including Waidi Waidi and Wamba Wamba in Swan Hill. (*The Guardian (Swan Hill)*, 29 Oct, p3)

The National Native Title Tribunal will begin mediation meetings between the Wotjobaluk people and about 500 respondents to a native title claim covering an area of land in Victoria's Wimmera region. The respondents represent shire councils, pastoralists, mining companies and recreational users. (*Age*, 15 Nov, pA4)\*

The Taungurung People's native title application was accepted for registration under section 190A of the Native Title Act. The application covers mining and exploration licence proposals near Woods Point in Central Victoria. (*NTN (Vic/Tas)*, Dec 99, p3)

Victoria currently has twenty four claimant applications, down from forty four after many applications combined as part of the registration test process. Eleven applications by 6 communities have so far passed the registration test and 8 claims are still to be tested. (*NTN (Vic/Tas)*, Dec 99, p3)

## Queensland

The Gudjuda Reference Group opened a new office in Ayr to discuss native title issues affecting the Birra-Gubba people. ATSIC regional councillor Eddie Smallwood said the Gudjuda Reference Group would be taking a professional approach to native title issues affecting the Burdekin area. (*The Advocate (Ayr)*, 3 Nov, p6)

Caloundra, Maroochy, Noosa and Caboolture Shire Councils have joined in a native title pilot project to assist the councils when dealing with native title claims. (*Northern Times*, 19 Nov, p5)

The Native Title (Queensland) State Provisions Amendment Bill 1999 is currently waiting Commonwealth approval. The Queensland government is seeking thirteen determinations from the Commonwealth Attorney General that the legislation complies with the Native Title Act. Native Title Representative Bodies in Queensland can make submissions relating to 9 of the proposed determinations. (*NTN (Qld)*, Dec '99, p4)\*

Brisbane barrister Gregory Koppenol has been appointed president of the Queensland Land and Resources Tribunal. The Tribunal was set up recently to resolve native title disputes. (*CM*, 10 Dec, p2)

Queensland Premier, Peter Beattie, released draft Indigenous Cultural Heritage legislation for public consultation. Under the proposed legislation government appointed assessors would examine the Indigenous cultural heritage of sites and objects. (*Age*, 23 Dec, pA4)\*

## Western Australia

Democrats MLC Helen Hodgson claimed the Western Australian Government may face a United Nations reprimand over its extinguishment of native title on 1300 of the State's land leases. The legislation validating the leases has been passed in the Lower House and has passed the second reading in the Upper House. *(WA, 15 Nov, p37)*

The Native Title (State Provisions) Bill to introduce a State-based native title regime for Western Australia was passed by the Legislative Assembly. Labor voted against the Government Bill after failing to amend it. *(WA, 27 Nov, p51)\**

Participants in the North Eastern Goldfields Ranges project have established a committee to negotiate future land-use plans for the region. Members from sector groups including Aboriginal, pastoral, mining, tourism, conservation and recreation groups agreed at a workshop, to start combining their own land-use plans into one major management plan. *(KM, 5 Nov, p6)*

A policy advocating a new approach to native title based on negotiation rather than legislation has been developed by the WA Aboriginal Native Title Working Group which represents all Western Australian land councils and representative bodies. Aboriginal spokesmen Pat Dodson and Brian Wyatt joined executives from Rio Tinto and Hamersley Iron to discuss the policy at a meeting in Perth. *(WA, 15 Dec, p4)\**

## Northern Territory

Innesvale station, covering 2820 square kilometres south-west of Katherine, has been returned to its traditional Aboriginal owners, the Wardaman people, following a 1996 agreement with the Northern Territory Government. *(Ad, 5 Nov, p13)\**

## APPLICATIONS

### National

The National Native Title Tribunal posts summaries of registration test decisions on their website at: <http://www.nntt.gov.au>

The following decisions are listed for November and December.

Arabunna People's Native Title Claim	pass	Doris Fletcher	pass
Edward Landers Dieri People's Native Title Claim	pass	Taungurung People (Combined Application)	pass
Arnold Franks	pass	Howard River East	pass
		Howard River East TQ	pass