

We are busily completing the final production of the proceedings from last year's Native Title Representative Bodies Legal Conference, held in Melbourne in April 2000. Bryan Keon-Cohen QC has been working furiously to edit the papers, a selection of which will be published in the book with a great deal of additional material to be included on an accompanying CD. The result will be an exciting and very important publication. So, look out for *Native Title in the New Millennium*.

Hot on the heels of the proceedings we are working on the next NTRB Legal Conference which will be a celebration of the 20 year Anniversary of the Townsville conference that initiated the *Mabo* litigation. The conference will be held in Townsville on the 28-30 August 2001. We will keep you posted on developments with the organisation of the event.

NATIVE TITLE IN THE NEWS - NOVEMBER & DECEMBER 2000

New South Wales

Land holders and other interest holders affected by the Muthi Muthi native title application over 23,829 square kilometres in south western New South Wales have been invited by the National Native Title Tribunal to register for mediation talks. The application covers land in Balranald Shire bounded by Euston, the Murray and Edward Rivers to Moolpa, Maude, Booligal, Willandra Creek and Mungo National Park and excludes private freehold land. (*NNTT Media Release, 13 Dec*)

The National Native Title Tribunal has advertised five native title applications in western New South Wales inviting interest holders to register as parties to the mediation proceedings. The applications in the Balranald, Bourke, Broken Hill, Central Darling, Cobar, Wentworth and Unincorporated Area do not cover any private freehold land. New South Wales State Manager Mr Andrew Solomon said that the Tribunal had sent about 3,000 letters to people with grazing leases and other interests in the area of the claims. 'We are advertising these applications so that anyone with an interest in the land or waters subject to the application can be involved in discussions about whether native title exists in the area and, if so, how it might be recognised and respected in a way that preserves everyone's interests.' (*NNTT, Media Release, 29 Nov 2000*)

The advertised applications are:

- The 'Pooncarie' Barkandji (Paakantyi) People's #8 application in the western region of NSW, adjacent to the South Australian and Victorian borders. The

application falls within the local government areas of Balranald, Bourke, Broken Hill, Central Darling, Cobar, Wentworth and the Unincorporated Area.

- The Barkandji (Paakantyi) People's #6 application in the vicinity of Pooncarie and Wentworth. The application covers part of the land and waters of the Murray and Darling Rivers, the whole of the Great Darling Anabranche and Tuckers Creek, and falls within the local government areas of Central Darling, Wentworth and the Unincorporated Area.
- The Barkandji (Paakantyi) People's #7 application over specific reserves covering an area of about 25 square kilometres in the vicinity of Wentworth, Mildura and Lelma in south west New South Wales.
- The Barkandji (Paakantyi) People's #5 application over Mungo National Park and part of the Travelling Stock Reserves 327 and 583. It is about 52 kilometres south east of Pooncarie and covers an area of about 315 square kilometres in the Shire of Balranald.
- The Paakantji Aboriginal People's application over specific parcels of land about 17 kilometres and 36 kilometres south west of Broken Hill. The application covers a total area of about 80 hectares and falls within the Unincorporated Area.

Victoria

The National Native Title Tribunal has called for landholders and other interest holders affected by the Gournditch-Mara native title application over parts of the western district of Victoria and adjoining coastal waters to register for mediation talks. The application covers some land, inland waters and territorial seas situated between Naracoorte in South Australia and Nelson, Yambuk and Ararat in Victoria and includes the Glenelg River in South Australia. All freehold land is excluded. Senior case manager Ian Campbell-Fraser said that the best way for people to be informed and involved was to become a party to the application. *(NNTT Media Release, 8 Dec 2000)**

Queensland

The National Native Title Tribunal has called for interest holders to register as parties to five native title applications in Queensland. The applications cover state land and waters only and exclude private freehold land. The advertised applications are:

- The Gkuthaarn People's #3 application over specific lots of land (approximately 37 hectares) in the vicinity of Karumba, in the local government area of Carpentaria.
- The Waanyi Peoples' application in north-west Queensland and north-east Northern Territory, about 120 kilometres south of the Gulf of Carpentaria.

It covers an area of about 30,000 square kilometres and falls within the Queensland local government areas of Burke and Mt Isa.

- The Ngadjon-Jii People's application over about 138 square kilometres of land in the vicinity of Malanda and Bartle Frere, including part of the Wooroonooran National Park and Topaz Road National Park. The application falls within the local government areas of the City of Cairns and Eacham Shire.
- The Quandamooka People's #2 application over specific parcels of land on North Stradbroke Island (approx 44 square kilometres) within the local government area of Redland.
- Badjubarra People's application over specific parcels of land within the local government areas of Cardwell and Herberton. The application area is located about 22 kilometres west of Cardwell and covers an area of about 1,164 square kilometres. *(NNTT Media Release, 15 Nov 2000)*

Freehold title over 35,000 hectares of woodland savanna on Cape York has been returned to the traditional owners. The land, known as Wakooka, was compulsorily acquired by the Queensland Government in 1994. *(CM, 27 Nov, p7)**

The deed of grant for 193,000 hectares of land east of Coen in Cape York was returned to the traditional owners the Ayapathu, Kaanju, Lama Lama and Umpila Peoples. Representatives of all four groups will form the Kulla Land Trust to manage the land and decide upon its future use. Richie Ah Mat, chairman of the Cape York Land Council, said the return of the land was the result of cooperation between the State Government, the traditional owners of Silver Plains and the Cape York Land Council. *(CM, 7 Dec, p6)**

The National Native Title Tribunal has called for landholders and other interested parties affected by the native title applications of the Mitakoodi/Juhnjar, Yulluna People and Kalkadoon People to register for mediation talks. The Mitakoodi/Juhnjar application covers 27,815 square kilometres in the Shires of Carpentaria, Cloncurry and McKinlay. The Yulluna People's application covers 10,085 square kilometres in the Shires of Boulia and Cloncurry and the Kalkadoon People's application covers 55,450 square kilometres in the Shires of Boulia, Burke, Carpentaria and Cloncurry and the City of Mt Isa. All applications exclude private freehold land. *(NNTT Media Release, 13 Dec 2000)*

The National Native Title Tribunal has called for landholders and other interested parties affected by the Butchulla People's native title application over Fraser Island and surrounds to register for mediation talks. The application covers 1,809 square kilometres of land and waters in the cities of Hervey Bay and Maryborough and the Shires of Tiaro and Woocoo. NNTT Regional Manager Craig Jones said that native title could not be claimed on private freehold land but could exist on vacant Crown land, state forests, national parks, public reserves, beaches and foreshores, land held by Government agencies and any other public or Crown lands. *(NNTT Media Release, 13 Dec 2000)*

The National Native Title Tribunal has advertised for any affected landholders or other interest holders to register as a party to the mediation process for the Turrbal native title application. The application covers specific tenure types in the local government areas of Brisbane, Gold Coast, Logan, Pine Rivers and Redland. NNTT State Manager Simon Nish said that continued access to and enjoyment of national parks and other public places is guaranteed by law. *(NNTT Media Release, 13 Dec 2000)*

The National Native Title Tribunal has called for landholders and other interest holders affected by the Jinibara People's native title application over some parks, reserves, forests and vacant land north west of Brisbane to register for mediation talks. The application falls within the local government areas of Brisbane, Caloundra, Ipswich, Caboolture, Esk, Kilcoy, Maroochy and Pine Rivers and excludes private freehold land. This means that private property owners have no reason to be involved in the applications. *(NNTT Media Release, 13 Dec 2000)*

Landholders and other interest holders affected by the Lamalama native title application over 79 square kilometres in far north Queensland have been invited to register for mediation talks. Becoming a party to the native title application means having a say in mediation and, if necessary, in Court. The alternative is potentially costly and lengthy Court proceedings Regional Manager of the NNTT, Steve Ducksbury, stated. *(NNTT Media Release, 13 December 2000)*

South Australia

Interested parties affected by the Kokotha Munta native title application covering 87,133 square kilometres of land and inland waters between Ceduna, Ooldea, Woomera and Port Augusta have been given notice by the NNTT that

they have three months to register as parties to mediation talks. Tribunal State manager, Chris Uren, said that the best way for people to be kept informed and involved was to become a party to the application. Mr Uren also stated that native title could not be claimed on private freehold land but could exist on vacant Crown land, state forests, national parks, public reserves, beaches and foreshores, land held by Government agencies and any other public or Crown land. *(NNTT Media Release, 29 Nov)*

A native title agreement in principle has been reached between native title claimants and oil and gas exploration companies to allow exploration licences to be issued for areas covering part of the South Australian side of the Cooper Basin. It is the first native title agreement for onshore petroleum exploration in Australia. Issues covered in the agreement include the protection of sacred sites. *(Aus, 4 Dec, p2)**

Western Australia

The Federal Labor Party and the Democrats combined in the Senate to disallow the Western Australian native title regime. *(CT, 10 Nov, p2)**

The Federal Court has begun hearing evidence of native title claimants deemed to be 'at risk' following the recent deaths of three members of the Wanjinia/Wunggurr-Wilinggin native title claimant group. The group's native title claim covers 67,000 square kilometres in north Kimberley and is not scheduled to be heard until May 2001. *(WA, 23 Nov, p40)*

A consent determination that recognises that native title exists over an area of 55,000 square kilometres of land in the Great Victorian Desert, and gives exclusive possession of 85 percent of the area to the Spinifex Peoples, has been signed by Chief Justice Michael Black. The responsibility for the remaining 15 percent will be shared jointly by the Spinifex people and the Western Australian Department of Conservation and Land Management. National Native Title Tribunal President Graeme Neate said the agreement was a major step forward in settling many of Western Australia's 133 remaining native title applications and was a positive sign for the prospects of resolving at least nine desert claims over Crown Land. 'The agreement shows what can be achieved when governments, Indigenous people and others invest their energy in constructive negotiation. It also demonstrated that people have nothing to fear from the recognition and protection of the rights of traditional owners.' *(SMH, 29 Nov, p29)**

The Nharnuwangga, Wajarri and Ngarlawangga Indigenous Land Use Agreement, over 47,542 square kilometres of land in the Murchison-Gascoyne, has been advertised. Anyone who believes they are native title holders and have not authorised the agreement can lodge an objection. If no objections are received within three months, the agreement would be formally registered and would be binding on all native title holders. The agreement aimed to establish a consultation process with the native title holders about mining or exploration on the land in the claim area. The Federal Court's determination of the Nharnuwangga, Wajarri and Ngarlawangga native title application on 29 August 2000 was conditional on the land use agreement being registered by the Tribunal. *(NNTT Media Release, 29 Nov 2000)*

The Baiyungu People have signed a native title agreement releasing 250 hectares to the Coral Coast Marina Development to develop a resort and inland marina. The agreement includes provision for employment and training opportunities, the protection of Aboriginal heritage and the development of cultural tourism. *(WA, 6 Dec, p5)*

The National Native Title Tribunal has approved the grant of seven mining tenements between Leonora and Laverton in the north east goldfields required for the expansion of the Anaconda nickel and cobalt project. The grants were approved with a series of conditions to protect the rights of the Koara and Wongatha native title parties. The Tribunal ruled that it did not have jurisdiction over a further nine mining tenements located on parts of pastoral lease land where there has been fencing or enclosure. *(NNTT Media Release, 11 Dec)*

Northern Territory

The Northern Land Council has lodged a complaint of racial discrimination with the Human Rights and Equal Opportunity Commission over the Northern Territory Government's intention to deal with 1000 mining applications that the Government plans to process in a year. NLC Chairman Galarrwuy Yunupingu said that the Council did not have the resources to deal with the flood of applications and that Aboriginal people would be severely disadvantaged. 'We are looking at extinguishment of native title rights by deliberate administrative overload. This is racially discriminatory because no other group in the community is being disadvantaged in the same way,' he said. *(NLC Media Release, 16 Nov)**

A agreement between the Central Land Council and Giants Reef Exploration has been advertised by the National Native Title Tribunal to give native title holders an opportunity to lodge an objection. The land use agreement covers an area of over 7,500 square kilometres around Tennant Creek. Tribunal Registrar Chris Doepel said that if no objections were received within three months the agreement could be formally registered and would be binding on all native title holders whether they were involved in the agreement or not. (*NNTT Media Release, 29 Nov*)

APPLICATIONS

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 May and June 2000.

Lamalama	accepted
Kalkarindji	accepted
Lots 825 & 826, Borroloola	accepted
Darug Tribal Aboriginal Corporation (amended 4/12/2000)	accepted
NTP 4410 Pine Creek	accepted

The decision indicates whether an application has met or not met each of the conditions of the registration test against which it was considered.

'Abbreviated' decision indicates that the application has been tested against a limited number of conditions.

If an application does not pass the registration test it may still be pursued for determination through the Federal Court.

NOTIFICATIONS

Applications currently in Notification

Notification period is 3 months from the Notification start date.

Start date	Application no.	Application name	Location
18 Oct 2000	NC98/15	Gumbaynggirr #4	Bellinger River
15 Nov 2000	NC97/7	Gundungurra #6	Katoomba
	QC99/18	Gkuthaarn People #3	Karumba
	QC99/23	Waanyi Peoples	Far NW Qld
	QC99/25	Quandamooka People #2	Stradbroke Island