

## NATIVE TITLE IN THE NEWS

---

### National

Following the *Miriuwung Gajerrong* decision the NNTT has announced that there will be some changes to the Registration Test. At this point these are still to be determined, however NNTT is keeping an update on this on its website at <http://www.nntt.gov.au/>

---

### Northern Territory

The Giants Reef Mining Company and Warumungu traditional owners will sign an agreement next week allowing the Chariot mine project to go ahead. The mine site near Tennant Creek is the ninth new mining lease in Central Australia approved under the Northern Territory's *Aboriginal Land Rights Act*. It is anticipated that the mine will provide employment, royalties and training for the traditional owners. *ABC Online* 11 July 2002

---

### Western Australia

The Western Australian government is pushing ahead with the proposed \$6 billion resources investment on the Burrup Peninsula without the agreement of all three registered native title claimants over the area. Government negotiators have added to the original deal in an offer of \$5.8 million in up front payments and continued rent from the mining companies. With the approaching deadline and the standstill in negotiations between the Government and the Wong-Goo-Tt-Oo native title claimants, the Government is attempting to get the other two groups to sign the deal. If they do sign, then it is expected that the State Government will attempt to get approval from the NNTT to develop an industrial estate without the Wong-Goo-Tt-Oo's consent. *The West Australian* 16 July 2002

---

The State Government has chosen arbitration to settle the dispute between the State Government and the Wong-Goo-Tt-Oo. The government has called in the NNTT to urgently resolve the matter. Ian Viner QC who represents the Wong-Goo-Tt-Oo argued that the Government was acting improperly by pursuing arbitration when some members of the groups had not formally signed the deal. *West Australian* 7 August 2002

---

According to WA State Government figures, the amount of money spent on administering native title has increased by 600 per cent over the past year. The total amount allocated to the Office of Native Title in the current financial year is \$6.5 million. This amount is in comparison to the annual funding amount of \$960,000 during the previous eight years of coalition government. *West Australian* 22 August 2002

---

Over 330 mining tenements are at risk of being ruled invalid following the *Miriuwung Gajerrong* decision, that found pastoral leases did not extinguish native title. The tenements were granted under the previous coalition State Government and followed the Federal Court ruling in March 2000. The tenements include 140 prospecting licences, 89 mining leases and 73 exploration licences. *West Australian* 24 August 2002

---

### Queensland

An application by the Koinjmal People for native title has been accepted by the NNTT. The area subject to the application covers approximately 731 sq km located in the St Lawrence Region. Any person wishing to become a party to the application has until the 23 October to write to the Registrar of the Federal Court in Brisbane. *Koori Mail* 10 July 2002

---

The Barada Barna Kabalbara and Yetimarla People application for native title has been accepted by the NNTT. The application covers an area of about 19,640 sq km located in the St Lawrence and Dysart regions. Any person wishing to become a party to the application has until the 23 October to write to the Registrar of the Federal Court in Brisbane. *Koori Mail* 10 July 2002

---

The Ankamuthi application remains on the register of native title claims after Justice Drummond of the Brisbane Federal Court ruled that the Cape York Land Council (CYLC) had broken the law by changing solicitors without the knowledge or consent of the Ankamuthi People. The lawyers representing the Ankamuthi People said the ruling meant it would not be possible for the CYLC to register an overlapping claim over the existing Ankamuthi application. *Koori Mail* 24 July 2002

---

The NNTT has accepted an application for an area agreement on the Register of Indigenous Land Use Agreements, by the Ewamian People. The agreement covers an area of approximately 394 sq km and is located in the vicinity of Einasleigh in North Queensland. Any person claiming to have native title in relation to land in this area may wish to make a native title determination application, this application must be made by the 7 November 2002. *Koori Mail* 7 August 2002

---

Registration of interest in the Port Curtis Coral Coast native title claim closed on the 28 August 2002. The Gladstone – Bundaberg claim covers about 19,280 sq km taking in areas such as Briggenden, Gayndah, Isis and Kolan. *Bundaberg Mail* 10 August 2002

---

One of the largest native title claims has been lodged for waters in the Torres Strait, between Cape York and Papua New Guinea. The claim covers over 44,000 sq km

of sea. The claim has been released ahead of public notification on September 4, 2002. *MX-Melbourne* 23 August 2002

---

### **New South Wales**

In the *Wilson v Anderson* case, the High Court has confirmed that perpetual grazing leases in the Western Division of NSW extinguish native title. According to the judgment, extinguishment is to have occurred when the lease was granted. This means that the areas covered by native title applications in the Western Division of NSW have been significantly reduced. However in the judgment, the High Court dismissed an appeal by a Walgett grazier against the Federal Court decision in relation to the native title claim by the Euahlay-i Dixon Clan over his property. *Daily Liberal (Dubbo)* 9 August 2002

---

The NSW Aboriginal Land Council has reassured its membership that it will still be possible to negotiate access to land for traditional purposes despite the recent High Court decision in *Wilson v Anderson*. Under the Native Title Act, local Aboriginal land councils can negotiate agreements with owners and occupiers of land to provide access to Aboriginal people for the purposes of exercising traditional activities. *Riverine Grazier (Hay)* 21 August 2002

---

The NNTT has accepted the application for native title by the Wiradjuri People. The application over land 35 km north to north east of West Wyalong covers 2,637 hectares. The claim was lodged in response to a mining lease application made by Barrick Gold of Australia. The Wiradjuri People started negotiating the native title application two weeks after Barrick Gold of Australia received the all clear to recommence drilling on the Lake Cowal project. Any person with interest in the claim has until the 9 October to apply to the District Registrar of the Federal Court in Sydney to become a party to the application. *Forbes Advocate* 2 July 2002

---

Representatives from the NNTT will visit West Wyalong later this month to discuss the native title claim currently lodged by Wiradjuri elders over the proposed Cowal Gold Project mining lease area. The discussions will endeavor to answer questions about the native title process and better inform the community about native title issues. *West Wyalong Advocate* 20 August 2002

---

The Minister for Land and Water Conservation John Aquilina, has refused to recognise the bulk of the native title claim by the Darkinjung Aboriginal Land Council. The claim was first lodged in January 1991 and covers land at Norah Head partly overlooking Soldiers Beach, and includes a Wyong Council Caravan Park, Soldiers Beach Surf Club and Sewerage Ponds. *Central Coast Express, Wyong-Tuggerah* 10 July 2002

---

Negotiations between the Arakwal native title claimants and the Byron Bay Shire Council have tentatively discussed the hand over of management of the Broken Head Caravan Park. The Caravan Park is on Crown land and makes an estimated annual profit of \$300,000. The hand over of the caravan park is one of a number of proposals being negotiated between the council, the Arakwal people and the State Government as part of a planned Indigenous Land Use Agreement (ILUA). The agreement is aimed at settling the Arakwal native title claim that was made in 1995 over Byron Bay Crown land and waters. *Byron Shire News* 22 August 2002

---

## Victoria

The NNTT has accepted an application for native title by the Gunai/Kunai People. The area subject to the application covers an area of about 39,100 sq km located east of Melbourne in eastern Victoria. Any person wanting to become a party to the application has until the 6 November to write to the

Registrar of the Federal Court in Melbourne. *Koori Mail* 24 July 2002

---

Two western Victorian native title claims will go to full trial if the parties involved are unable to reach an agreement. Justice North of the Federal Court said it was time that the Wotjobaluk and Gournditch-Mara native title claims settled. Justice North warned that if the claim failed to show signs of settling by September 19 when he would review both applications then the applications should go to full trial. The claim remains in mediation until that period. *Wimmera Mail Times* 12 July 2002

---

Justice North of the Federal Court of Australia has ordered representatives of the parties involved in the Gunditjmarra claim on Crown land across much of South West Victoria to a mediation session in Portland in early August. This will be the first time such a session has been held in a country area. Prior to the scheduled session to be held on August 9, there will be a pre-mediation case management conference, the first for Australia. The Gunditjmarra claim covers 20,360 sq km of land and a sea claim stretching from the high water mark out to 22 nautical miles. *Hamilton Spectator* 20 July 2002.

---

The Gunai-Kurnai People have applied to the Federal Court to have their traditional rights recognised over much of Eastern Victoria, making it the largest native title claim in Victoria. The claims falls within the shires of Alpine, East Gippsland, Cardinia, Delatite, Wellington, Baw Baw and Yarra Ranges and covers an area of 39,000 sq km. Around 4,500 letters have been distributed to parties including the State, local and Commonwealth governments, people with timber permits, fishing permits, grazing licences and mining licences. *Pakenham Gazette* 31 July 2002

There is increasing concern among the Gunditjmara native title claimants that ATSIC is failing to support their native title claim. The Gunditjmara claim covers 20,360 sq km of land across South West Victoria and 22 nautical miles into the sea. The concern is increasing with the approaching mediation talks because the native title claimants feel they will not have enough funding to properly put their case. *Hamilton Spectator* 30 July 2002

The Glenelg Shire Council has agreed to register as a party to the Gourditch-Mara native title determination application. Prior to its meeting on the 23 July 2002, the Glenelg Shire Council was only one of two local councils who had not registered as an interested party in the claim. *Casterton News* 31 July 2002

Following a case management conference, the Gourditch-Mara native title claim has begun mediation. There are up to 174 interested parties including local and state governments and the Victorian Farmers Federation. In addition the Wotjobaluk native title claim covering 36,700 sq km in Wimmera and western Victoria will be heard in the Federal Court on the 19 September. *Wimmera Mail Times* 9 August 2002

The first native title agreement covering on-shore oil exploration was signed on the 23 August 2002. The agreement between the Gunditjmara people and Essential Petroleum Resources covers exploration of petroleum in the south-west corner of Victoria

over an area of 1,700 sq km. Taking two years to negotiate the agreement will form the basis of a production agreement if Essential finds commercial gas or oil under the permit. *Weekend Australian* 24 August 2002

---

### **South Australia**

The South Australian Government is working with the Maralinga Tjarutja people to return the Maralinga lands used for atomic testing. However the state government has made it clear that it will not accept the land, held in trust by the Commonwealth, unless the land is declared clean. *Adelaide Advertiser* 16 August 2002

Governor-General Peter Hollingsworth has handed back the traditional land of the Kaytetye people at Barrow Creek. Almost 1,200 ha was handed back in a ceremony. Barrow Creek is 280 km north of Alice Springs and was the site of one of the last punitive expeditions against Aboriginal people in the 1920s. *Adelaide Advertiser* 27 August 2002

A native title meeting was held in Coober Pedy to discuss state wide negotiations for native title. The discussions between the communities that have lodged native title claims and the Antikarinya Land Management Corporation were facilitated by the Aboriginal Legal Rights Movement. The meeting explored solutions and ideas to sell native title to all parties including Aboriginal people. *Coober Pedy Times* 15 August 2002

---

## **APPLICATIONS**

The National Native Title Tribunal posts summaries of registration test decisions on <[www.nntt.gov.au](http://www.nntt.gov.au)>. The following decisions are listed for July /August. The first number following the name is the NNTT Application Number, the second is that of the Federal Court. If an application has not been accepted, this does not mean that native title does not exist. The applicants may still pursue the application for the determination of native title. If an application