

Contact

For further information on this fact sheet please contact ATSIIC's Native Title and

Land Rights Centre, Legislation and Program Unit on (07) 3006 4800.

NATIVE TITLE IN THE NEWS

New South Wales

Bemax Resources have successfully completed native title negotiations for Ginkgo mining lease, by signing an agreement with the registered native title claimants representing the Barkandji (Pooncarrie). This milestone significantly enhances Bemax's progression towards obtaining the grant of a mining lease for Ginkgo mineral sands project in the northern Murray basin. The Barkandji people are the sole registered claimant group in this area. (*Mining Chronicle* 1 December 2001)

The Mooka Traditional Owners Council has lost their injunction application, which was dismissed in court by Judge Neal Bignold. The Mining Company operation in NSW central west can continue drilling of Aboriginal sacred land at Lake Cowal. Council chairman Neville Williams said the present exploratory activity taking place was destroying the land at Lake Cowal, which is the largest lake in NSW and lies 47 km north west of West Wylong in the heartland of Wiradjuri country. (*Border Mail Albury Wodonga* 25 January 2001)

Orange's skate park development application has been formally approved after an investigation found native title had been extinguished. Orange city council was required to do a native title investigation following a submission from an opponent that questioned the title of the site at the corner of Warrenpine and Anson streets. The opponent who is of non-Aboriginal descent conceded that native title was raised as a bit of a wobbly, with the park having the backing of the Orange local Aboriginal land council. (*Central Western Daily* 15 December 2001)

Last year the New South Wales Aboriginal Land Council (NSWALC) formally requested their status as a Native Title Representative Body (NTRB) to be withdrawn. On the 6th of December 2001 the Minister agreed to withdraw NSWALC's native title recognition status. As a result the NSWALC is no longer the NTRB for NSW and does not hold statutory responsibility for native title services within the state. The new service called the New South Wales Native Title Services Limited (NSWNTS) commenced operations on the 7th December 2001. The NSWNTS is currently operating out of offices at Parramatta but is also in the process of establishing regional offices in Dubbo and Coffs Harbour. (*NTRBs Latest News* 18 February 2002, <www.ntrb.net>)

Victoria

People with interest in land covered by four related native title applications in central Victoria have been called upon by the NNTT to register for negotiation talks. The Tribunal will send out 3,000 letters to possible interested holders in four claims, informing them how to become a party. (*Country News* 31 December 2001)

A process to determine native title for the Dja Dja Wurrung people has the Central Goldfields Shire taking no part to become a party. Instead council will rely on the Municipal Association of Victoria to act as its representative in mediation or court proceedings, to determine the validity of the claims. (*Maryborough Advertiser* 31 December 2001)

Moorabool farmers who lease Crown land in Wombat State Forest are being asked to join native title claim negotiations. The

NNTT began contacting more than 3,003 people who may have interests affected by the claim made by the Dja Dja Wurrung. (*Bacchus Marsh-Melton Express* 29 January 2001)

The Latji Latji people have included Lake Tyrrell, north of Sea Lake, in a native title claim. Buloke council been asked if it wishes to be registered as a party to this application. (*Buloke Times* 11 December 2001)

South Australia

Three local councils in the southern Fleurieu's and the City of Onkaparinga along with 300 applicants are to register an interest in the Kurna peoples native title claim. The claim area covers metropolitan Adelaide, Broughton to the north and Cape Jervis to the south. It also includes about 800 metres of St Vincent, from Port Wakefield to Cape Jervis. (*Times Victor Harbour* 28 February 2002)

A dispute over government funding in the Pitjantjatjara lands has mining projects worth hundreds of millions of dollars in jeopardy. The Pitjantjatjara council alleges it has lost ATSIC funding held by the Department of State Aboriginal Affairs, because it refused to deal with consultants employed to restructure operations of the Anangu Pitjantjatjara Council. Pitjantjatjara elders voted last week to suspend all native title negotiations within their 110,000 sq km territory until the dispute was resolved. (*Advertiser* 28 January 2002)

A meeting was held between Aboriginal people and miners to talk about native title mining agreements that allow opal mining on Lambina station, with noodling rights being one of the main issues discussed. It was always understood that Aboriginal people would have the first right to noodle as set out in the native title agreement and the

miners would make good level dirt available. (*Coober Pedy Times* 6 December 2001)

Queensland

The director of operations of the QLD mining council, Barry Mathias, said that the backlog of exploration permits would not affect the central QLD coal industry. Concerns were raised after the council predicted the State's base metal and gold mining industries would be extinguished within 10 to 15 years, unless exploration was increased and major discoveries made. Mr. Mathias said the biggest threat for the central QLD coal industry has been the ability to remain competitive. (*Morning Bulletin Rockhampton* 8 January 2002)

In one of the State's first negotiated hand over of pastoral leased land, 273.9 hectares of the former Karma Waters pastoral holding, about 155 km northwest of Cairns, has been handed back to its traditional owners. The Western Yalanji people had a ceremony featuring traditional dancers and Indigenous music, Lance Riley, chairman of the western Yalanji Aboriginal Corporation, said the land would be worked to benefit traditional owners and protect their cultural heritage. (*Courier Mail* 25 January 2002)

A local Gubbi Gubbi elder Dr Eve Fesl has said that a successful native title claim across the sunshine coast covering 13,907 sq km would be a win for all people interested in protecting the local environment. Dr Fesl said the Gubbi Gubbi people had been recognised as the only Indigenous people with proven links to the area, and had been registered as native title claimants and were proceeding with the next stage of the process. (*Sunshine Coast Daily* 24 January 2002)

The casino and gaming group Jupiters is to go ahead with construction of the 118 million Gold Coast convention and exhibition centre. Jupiters advised that the Indigenous Land Use Agreement (ILUA) had com-

pleted its notification period and will be registered by the NNTT. Construction is expected to get underway in February. (*Cairns Post* 26 January 2002)

The Federal Court has declared that parts of Queensland's native title laws are invalid. In the case started by the Central Queensland Land Council, the Court found that parts of the native title regime relating to high impact mining and exploration are invalid because Federal Attorney General Daryl Williams approved sections of the regime that did not comply with Commonwealth laws. It is still unclear how many permits have been affected by the ruling but it is expected to relate predominately to high impact mining. (*ABC Indigenous News* 8 February 2002)

The Wakka Wakka native title application over 31 000 square kilometres of land in Burnett, northern Queensland, has moved into mediation. The mediation process is likely to continue for at least twelve months. (*ABC Indigenous News* 12 February 2002)

Western Australia

The Noongar Land Council has been unsuccessful in its application for recognition as a native title representative body. Indigenous affairs Minister Phillip Ruddock has approved a new NTRB, the South West Aboriginal Land and Sea Council. (*Augusta Margaret River Mail* 1 December 2001)

The Woolah-Wah Aboriginal Land Corporation will take possession of the property near Bakers Hill, known as Coobabla farm (647 hectares) through the Indigenous land council. It is freehold land and has been used in the past as a stud cattle property. Denis Hayward of the Woolah-Wah group said that the Woolah-Wah people would run the property initially as a sheep and cattle farming venture, but hoped to introduce Indigenous cultural activities in the future. (*Avon Valley Advocate* 16 January 2001)

The Association of Mining and Exploration Companies (AMEC) has urged caution by the State government in examining ways to relieve the backlog of mineral tenement applications. The High Court decisions on the Miriuwung Gajerrong appeal and heritage were identified as emerging issues to be addressed in any solution. (*Kimberly Echo* 24 January 2002)

The Yamatji Land and Sea Council will merge to become one of Australia's biggest land councils. The Yamatji people originally voted against the move, but in a meeting have now supported the merger in principle. More than 250 native title claimants met at Yule River east of Port Hedland to endorse the proposal for the combined native title representative body. (*ABC Indigenous News* 11 February 2002)

A memorandum of understanding which details a strategic approach to developing a new comprehensive agreement with local traditional owners, has been signed by the Argyle diamond mine and the Kimberly Land Council. The new agreement will offer opportunities for employment and training for locals and traditional owners. (*Mining Chronicle* 1 November 2001)

A meeting recently from representatives of Nanda and Mullewa Wadjari native title claims reached an historic agreement to resolve their overlapping claims. The meeting was part of a protocol developed in September to assist in resolving overlapping claims in the mid west by the Yamatji Land and Sea Council and the NNTT. (*Mid West Times* 15 December 2001)

The Wongatha native title application over Western Australia's goldfields was heard in the Kalgoorlie on 19 February 2002. The native title claim over nearly 2,000 sq kms of land is the first to be made over land in the goldfields area. Michael Barker QC, repre-

senting the Wongatha people, told the Court that the family groups within the claim area would be seeking different rights according to their own traditional laws and customs. (*The West Australian* 23 February 2002)

A formal settlement recognising the native title rights of the Karajarri people was announced on 12 February 2002. The decision is a consent determination between the Karajarri people, the State of Western Australia and several other parties over 24,725 sq kms of land on the coast south of Broome. The number of native title holders is approximately 750 people. The determination gives the Karajarri people the right to exclusively possess, occupy, use and enjoy the land and waters within the determination area. (*The West Australian* 12 February 2002)

Northern Territory

A land signing ceremony was held to mark an historical agreement, which could see the government sell 50 hectares of land near Palmerston to the Larrakia nation for housing development. The ceremony was disrupted by protestors who were angry at the process used to reach the Rosebery agreement. (*The Northern Territory News* 14 December 2001)

Tasmania

A meeting between Aboriginal groups and environment minister David Llewellyn could see a 30 year lease granted for Eddystone point to the local Aboriginal community. Eddystone Point became controversial last year when the Tasmanian Aboriginal Centre (TAC) occupied the site for three years in its bid to have land handed back to the Aboriginal Community. The TAC has also negotiated with Llewellyn for the use of nearby Mt William National Park. The site could also be eligible for reassessment as a heritage site, which would allow access in the future. (*Launceston Examiner* 24 January 2001)

Tasmanian Aboriginal people say they are puzzled by a land giveaway by the Break O'day council, in the same area of land they have been fighting for: Eddystone Point. Break O'day Council has announced it will give away a block in the Fingal Valley or coastal Hinterland to someone from outside the region who has registered through local business. (*Mining Chronicle* 1 November 2001)

APPLICATIONS

The National Native Title Tribunal posts summaries of registration test decisions on <www.nntt.gov.au>. The following decisions are listed for January-February. All were accepted. The first number following the name is the NNTT Application Number, the second is that of the Federal Court.

Jarowair People	QC00/5, Q6005/00	Butchulla People	QC97/30 QG6140/98
Daly Waters	DC01/71, D6071/01	Wanderrie Road	DC01/70 D6070/01
Bigambul People	QC01/6 Q6005/01		