

National

In order to promote faster and more effective resolution of Native Title, the Commonwealth Government says it will spend an extra \$24 million in 2003-2004. This is the third year of a four year agreement for an additional \$86 million to Native Title. This extra funding is to be shared between the NNTT, the Federal Court, ATSIC and Attorney-General's Department.. *Koori Mail*, 21 May 2003.

The Federal Government has been under renewed pressure from the United Nations to amend its discriminatory Native Title laws. Professor Ole Henrik Magga, chair of the UN Permanent Forum on Indigenous Issues in New York, described the 1998 Wik amendments to the Native Title Act as a barrier to Indigenous Australians enjoying their human rights to land and culture. The forum adopted resolutions and recommendations made by ATSIC, in conjunction with the Human Rights and Equal Opportunity Commission (HREOC) and the Foundation for Aboriginal and Islander Research Action. ATSIC chairman Geoff Clark said it had been a successful and productive visit to the UN and he was pleased with the outcomes of the Permanent Forum. *Maitland Mercury*, 26 May 2003.

Noel Pearson, speaking recently in Alice Springs on the 11th anniversary of the Mabo decision, accused the High Court of blatant racial discrimination and attacked Australia's Indigenous leadership over Native Title. He said that Native Title had been reduced to a lesser form of ownership, stripping it of economic meaning or benefit. He also stated that Aboriginal leaders had been unable to control the "greed and power struggles" that emerged with Native Title.

Despite recent Native Title claim outcomes in court, Mr Pearson does not see it as a dead issue. He believes Native Title would continue to be a "crucial factor" in land tenure and use for many decades. *The Australian*, 04 June 2003.

South Australia

The Commonwealth Government recently offered three Native Title claimant groups \$90,000 each to extinguish their native title rights over parcels of land set aside for a low level radioactive waste dump. The offer was seen at an insult by the Kokatha people. Kokatha spokesperson Roger Thomas, told Commonwealth officers to stop being disrespectful and rude by offering \$90,000 to pay out our country and culture. The offer had caused anxiety and tension among claimant groups. Another Kokatha spokesperson, Andrew Starkley, said it was "shameful" wanting people to sign off their cultural rights for money. *The Age*, 17 May 2003. Kokatha claim: SC96/6, SG6013/98.

Backlogs of mining and exploration applications are now likely to be cleared, since most States are using the Commonwealth Native Title processes, according to Chris Sumner, deputy president of the NNTT. Since the Northern Territory started using the Native Title Act in 2000, it had eliminated the backlog of exploration applications resulting from Native Title. During early May, Mr Sumner appeared before a House of Representatives inquiry into impediments to resources exploration. In his statement, he mentioned if Governments actively use the procedures set out in the Native Title Act, then disputes can be resolved and exploration and mining backlogs can be reduced. Queensland will begin using the Federal system from 01 July 2003, leaving South

Australia as the only State not using the Commonwealth system. *National Indigenous Times*, 14 May 2003.

Western Australia

A Native Title application has been notified covering land and waters in the north-east Kimberley Region of Western Australia. The National Native Title Tribunal has invited people with interests to register for talks aimed at reaching negotiated agreements. The claimant group is the Wanjin/Wunggurr-Wilinggin people. They have applied for their traditional rights to be recognised over a 7150 square kilometre area about 40km south-west of Wyndham. The claim area includes exploration tenements, reserves, a stock route, and pastoral leases including Pentecost Downs, Durack River and a portion of Home Valley. *Koori Mail*, 07 May 2003. Wanjin/Wunggurr-Wilinggin claim: WC99/11, W6015/99.

Australia's largest regional land use agreement has been reached involving local government authorities and Native Title claim groups. Sixteen councils have signed an ILUA with claim groups, represented by the South-West Aboriginal Land and Sea Council. This agreement will speed up land grant decisions for commercial and residential developments in country towns. The Native Title claim groups are the Ballardong, Gnaala Karla Booja and Wagyl Kaip people. The WA Local Government Association have joined with the SWALSC calling on the State Government to co-sign the agreement, which has the potential to become a model for the rest of the country. SWALSC chief executive Darryl Pearce said the agreement provided the framework for a new relationship between Noongar people and local governments to work through issues such as Native Title. *West Australian*, 10 May 2003. Ballardong claim: WC00/7, WG6181/98. Gnaala Karla Booja claim: WC98/58,

WG6274/98, and Wagyl Kaip claim: WC98/70, WG6274/98.

The Miriuwung Gajerrong people are to receive over 50,000 hectares of land near the Northern Territory border, after confirmation from the State Government. Deputy Premier Eric Ripper, said the conversion of the Yardungarll reserve to freehold and its transfer to the Miriuwung-Gajerrong people was an important step in resolving Native Title issues in the region. Mr Ripper further stated this was evidence of the Government's commitment to resolving Native Title issues by agreement. The Deputy Premier and Premier Geoff Gallop confirmed the offer at a meeting with the Miriuwung-Gajerrong people during late March. *Kimberley Echo*, 29 May 2003. Miriuwung-Gajerrong claim: WC94/2, WG6001/95

A new mine near Meekatharra will be developed after a landmark agreement between Native Title holders and a mining company. The Nharnuwangga Wajarri and Ngarla people signed the agreement with Peak Hill Manganese Pty Ltd over 45,000km sq of land in the Upper Gascoyne region. This area of land was previously recognised by Native Title almost three years ago. The new mine will be developed at Horseshoe Range in the Peak Hill area, 150km north west of Meekatharra. Compensation, employment opportunities and protection of Aboriginal heritage are included in the agreement, in addition to the environmental cleanup and rehabilitation of an area previously mined by another company. Nharnuwangga Wajarri and Ngarla elder, Linda Riley said they were very excited by the agreement. She also added the company involved was respectful and reasonable in the negotiation. *Geraldton Guardian*. 30 May 2003. Nharnuwangga Wajarri & Ngarlawangga claim: WC99/13, WAG72-75/98.

The Aboriginal and Torres Strait Islander Commission may be issued a subpoena by the Federal Court, to explain why the Goldfields Native Title claimants have been left unfunded in a case now before the Federal Court. After ATSIC failed to answer letters from the Goldfields Land and Sea Council asking for funds, Justice Kevin Lindgren adjourned a hearing in the Wongatha case to decide how to proceed. Justice Lindgren criticised ATSIC at the June 4th hearing, stating it was difficult when parties were left unrepresented. The 15 month old Wongatha claim covers the city of Kalgoorlie-Boulder and the shires of Laverton, Leonora, Menzies, Sandstone and Wiluna. Claimants' representative, Bertus de Villiers, said the current process was not serving Indigenous people or the public, and criticised the State Government's suggestion that each of the 1500 Indigenous claimants could contribute \$100 each. *West Australian*, 20 June 2003. Wongatha claim: WC99/1, WAG6005/98.

Nearly 9000 hectares of prime grazing land on Moola Bulla Station will be excised by July and given back to the Aboriginal people. After almost 100 years Indigenous people will again be able to walk on the land which is located in the Kimberley. Planning and Infrastructure Minister, Alannah MacTiernan, accepted the surrender of 8088ha from pastoral leaseholder Andy Cranswick. Mr Cranswick said it was good grazing land but conceded it was important for the Aboriginal people to be given the land back. *West Australian*, 26 June 2003.

New South Wales

A recent agreement between Wiradjuri Condobolin Native Title claim group and Barrick Australia Limited brought Barrick one step closer to commencing the Cowal Gold project. Richard Weston, Cowal Gold general manager, released a joint statement with the Wiradjuri Condobolin Native Title claim

group stating they had reached agreement. This agreement seeks to promote and protect Wiradjuri cultural heritage while ensuring benefits flow back into the Wiradjuri community. Under the agreement, Barrick would support the Wiradjuri people in establishing a Corporation to deliver benefits to the Wiradjuri community, and also provide cultural heritage services to Barrick and others operating in Wiradjuri Condobolin country. *West Wyalong Advocate*, 23 May 2003. Wiradjuri claim: NC02/03, N6002/02.

The Mooka and Kalara Traditional Owners are pushing to strike out the registered Native Title claim group who have signed the agreement giving the go ahead for the \$1.2 billion Cowal Gold project to proceed. They gave evidence asserting the claimants had no authority or rights to represent the Wiradjuri people to allow mining at Lake Cowal, which they say, will destroy one of the most sacred sites within the Wiradjuri Nation. Barrick Gold and the NSW Government would face a multi-million dollar law suit if a Native Title agreement is finalised over the controversial Lake Cowal Gold project. Judgement on this case was reserved for 10 days. *West Wyalong Advocate*, 17 June 2003. Wiradjuri claim: NC02/3, N6002/02.

A Native Title claim has been lodged by four Wiradjuri people on behalf of their Indigenous group over land in and around Ben Bullen State forest that has been claimed for coal mining. The area includes the parishes of Cullen Bullen and Ben Bullen, with the Castlereagh highway passing through it. NNTT senior case manager Frank Russo, said the claim was in response to two mining claims and a land acquisition claim lodged by State forests. He went on to say that the lodging of this claim is an important step for the Wiradjuri people, in order to have a say in future developments. People who believe they may be affected by this mining claim, can apply to be a party by contacting the

Federal Court on 1800 451 291. *Mudgee Guardian & Gulgong Advertiser*, 24 June 2003. Wiradjuri claim: NC02/3, N6002/02.

Victoria

Members of the Yorta Yorta Indigenous group plan to erect a bridge on the steps of Parliament House in Melbourne during late May in protest at not having more say on the placement of the proposed new Echuca-Moama bridge. The Yorta Yorta people will join with members of Australians for Native Title and Reconciliation (ANTaR) in the protest. The card-board bridge will be built in protest at the process in which after long debate the western option was chosen for the proposed bridge. Chris Atmore from ANTaR said the protest was to voice dismay and anger at the way that the Victorian Government had ignored Yorta Yorta views. He said the Yorta Yorta People felt the bridge would be 'desecrating land and culture values at the bridge site'. *Shepparton News*, 28 May 2003. Yorta Yorta claim: VPA94/1, VG6001/98.

The Mirimbiak Native Title Representative Body, which covers south-west Victoria is being replaced. In an effort to streamline the Native Title process in Victoria the committee voted itself out of existence, said Mirimbiak deputy chairman Lenny Clarke. The new system, would be based on the NSW model. The new structure will be part of ATSIC and was pushed by Aboriginal Affairs Minister Philip Ruddock. Mr Ruddock said yesterday independent experts revealed that Mirimbiak was not an appropriate structure to deliver Native Title services in Victoria. The replacement body is to be known as the Victorian Native Title Services. *Warrnambool Standard*, 19 June 2003.

Queensland

After two years of negotiations, two Native Title agreements have been signed by the Flinders Shire Council and the Yirandali People. These agreements will see benefits flow to the entire Hughenden community. At a special meeting in Hughenden, council representatives and the Yirandali People signed an Indigenous Land Use Agreement ensuring continued economic growth and development in the Flinders shire. The area in question was a 38ha parcel of land intended for future industrial expansion. The new Hughenden industrial estate will be created following the transfer of crown land into freehold. The agreement also allows for the transfer of a parcel of freehold land to the Yirandali people. *Northern Miner*, 29 April 2003. Yirandali claim: QC00/9, Q6008/00.

Aboriginal elders in Ipswich are outraged at planned wedding reception facilities at Kholo Gardens. Elders from two Indigenous groups in the area involved in current Native Title claims, have said they have not been consulted about future developments. Conversation, Parks and Sport committee chairwoman Denise Hanly claimed they had been working with traditional owners on the project. She stated that meetings had been held in Brisbane to ensure cultural interests were protected. *QLD Times*, 29 May 2003. Jagera People: QC02/33 & Q6031/02.

All Torres Strait Island communities are being called upon by the Torres Strait Regional Authority (TSRA) to use this week's Mabo Day celebrations to highlight the region's struggle to protect its Native Title. Margaret Mau, TSRA Deputy Chairperson, said this year's celebrations should not only reflect Eddie Mabo's victory, but also prepare traditional owners for the battle that lies ahead to protect what "Koiki" achieved. She also stated that Torres Strait Island

communities were at a crossroad because their rights to traditional lands is currently under dispute in the Federal Court. The current battle between the Torres Strait people and the State over public works is a significant Native Title issue. Since 1992, fourteen islands have gained Native Title determinations in the Torres Strait. All of these communities are now faced with uncertainty until the Federal Court decides on the public works issue. *Torres News*, 06 June 2003.

The Queensland Government stated a landmark hearing in the Torres Strait as to whether public works can extinguish Native Title could have serious implications for future determinations across the nation. The dispute, which reached the Federal Court in Brisbane in a test case, centres on whether infrastructure such as schools and dams extinguish Native Title. The Torres Strait Regional Authority said the case had created a lot of uncertainty for all island councils, due to fears that any new infrastructure built, including housing, would extinguish Native Title. *The Australian*, 16 May 2003. Erubam Le (Darnley Islanders): QC01/20, QG6036/98.

An expected backlog of around 980 exploration permits are expected to be cleared in Queensland within the next 12 months after an agreement was made between the Queensland Mining Council (QMC) and the Queensland Indigenous Working Group

(QIWG). Under the new Native Title Protection Conditions to begin on 01 July 2003, explorers can opt to have applications processed by an accelerated process or finalised through Queensland's Indigenous Land Use Agreement (ILUA) process. The accelerated process is subject to a template set of Native Title protection conditions which protect and safeguard the cultural heritage of land subject to Native Title. In return, objections that are then lodged with the NNTT against the State's use of expedited procedures, will not be recommended or supported by Native Title Representative Bodies. Stephen Robertson, minister for Department of Mines, said it heralded a new era of cooperation and goodwill between Native Title parties and the mining industry. *North West Star (Mt Isa)*, 17 June 2003.

Northern Territory

A Council plan to build an Indigenous sporting complex in the Northern Territory had been halted by Native Title. The multipurpose sports facility has been proposed for land under Native Title of the Larrakia Nation. The NT Soccer Federation has shifted its attention from Marrara to Berrimah, due to the Native Title complexities. The Larrakia originally asked for 50 per cent of employment within the complex, and 50 per cent of gross royalties. *Northern Territory News*, 21 May 2003. Larrakia claim: DC96/7, DG6017/98.

APPLICATIONS LODGED

The National Native Title Tribunal posts summaries of applications that are lodged with them, on their website, <www.nntt.gov.au>. The following lodgements are listed for May/June.

Claimant Application

Date Filed	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.
07/05/03	Tjupan #2	WA	WC03/1	W6001/03
09/05/03	Gingirana	WA	WC03/2	W6002/03