

NTRAO can assist in providing addresses and other contact details to help in arranging for clearances.

Print collections

Once relevant material has been identified, it may be accessed at the Institute free of charge or copies may be made for a fee. Copies must be made in accordance with the *Copyright Act 1968* (Cth) and within the conditions of access as set by the depositors. A large proportion of the Library's holdings are in the form of published material available in the open stacks; however there is a considerable collection of original manuscripts, rare books, personal papers, microfilm, rare serials and language materials held in a closed room. The NTRAO can assist clients in gaining access to this material; however it is best to request such information in advance by email or by phone before visiting the Institute.

Audiovisual collections

Native Title researchers can find much valuable documentation for their claims within the Audiovisual Archives. Recording and images can show important aspects of land ownership and tenure. Listings of much of this material is available on the Web-based catalogue; contact the NTRAO for complete searches of this material. Visitors and remote clients can order up to 50 images or 15 tapes per request. Copies of film and video holdings can be arranged with the NTRAO. Researchers visiting the Institute should make an appointment to view or to listen to the material in-house.

To contact the Native Title Research and Access Officer, Grace Koch phone 02 6246 1103, fax 02 6249 7714 or email <grace.koch@aiatsis.gov.au>.

NATIVE TITLE IN THE NEWS

Native Title News now contains, where applicable, the application numbers for native title claims mentioned in the news. Following the news summary is the NNTT Application number and the Federal Court number.

National

Mining giant Rio Tinto has called upon the Commonwealth Government to increase funding for Native Title Representative Bodies. Rio Tinto stated one of the main impediments to native title was inadequate resources for representative bodies. It called on the Federal Government to review what they feel is a funding imbalance. Rio Tinto also repeated concerns previously raised by ATSIC that representative bodies had not been granted any additional funding since 1996, and that this funding was vital to obtaining determinations. *ABC Online*, 21 February 2003.

Northern Territory

The Northern Territory has agreed to release up to 60 lots of land in the Larapinta area in conjunction with the Lhere Artepe Aboriginal Corporation. Lhere Artepe Chairperson Brian Stirling said the Arrente native title holders had waited along time for this decision and for something real to come out of native title. Stirling explained that a lot of hard work had gone into achieving this outcome and that overall everyone was very pleased. It provides the first opportunity for the Lhere Artepe Aboriginal Corporation to work with the Government and establishes a new direction for development in the Alice Springs area. Sacred sites are now able to be protected as the blocks can not be sold. He concluded by saying that the corporation was looking forward to working with other organisations in the area and that it was a new beginning for all involved. *Lhere Artepe Aboriginal Corporation*, 11 March 2003.

The Federal Court has issued the list of parties to the Torres Strait Regional Sea Claim. Papua New Guineans have been included as parties to the 44,000 sq km claim. This is the first native title claim to include representatives from another country, in this case Papua New Guinea. The claim has now been referred back to the NNTT for mediation. *Talking Native Title*, March 2003. Torres Strait Regional Claim: QC01/42, Q6040/01.

South Australia

The South Australian Government has decided to pursue consent determinations in native title. This has been warmly welcomed by the Native Title Unit of the Aboriginal Legal Rights Movement. Where possible consent determinations of native title as an adjunct to negotiated ILUAs, will be pursued. *Aboriginal Way – Issue no. 17*, March 2003.

Western Australia

An historic settlement in the Pilbara region has the potential to secure a promising future for the three Aboriginal groups in the region. The Wong-goo-tt-Oo, was the third and final party to sign an agreement over key areas of the Pilbara, including Karratha and the proposed Maitland industrial estate. The other two registered claimant groups, the Yaburara Mardudhunera and the Ngarluma Yindjibarndi signed the agreement last year and were waiting for the Wong-goo-tt-Oo claimant group to make their decision. The agreement now potentially provides Indigenous people in the area with an economic future, and also affirms the protection of heritage and environmental values in the region. *North West Telegraph*, 22 January 2003. Ngarluma Yindjibarndi claim: WC99/14, WG6017/96; Yaburara Mardudhunera claim: WC96/89, WG127/97. Wong-goo-tt-Oo claim: WC98/40, WG6256/98.

The Ngalia Kutjungkatja people have lodged an application over land covering an area of 61,782 sq km in the North West Goldfields. Interested parties have been invited to attend negotiations. The claimed area covers pastoral leases, vacant crown land, Aboriginal reserves, conservation and management reserves and the Darlot Stockroute. Interested parties are to contact the Federal Court by 12 May 2003. *Kalgoorlie Miner*, 30 January 2003. Ngalia Kutjungkatja claim: WC00/14, Q6011/00.

The Swan River and Swan Coastal Plains Native Title claimants have joined the Ngalia Heritage Research Council in a bid to protect the Yakabindie Heritage Site. WMC Resources have proposed mining nickel in this area, with estimates of the return reaching up to six billion dollars. The spokesperson for The Federal Heritage Minister, Dr Kemp, said no decision had yet been made and further information was required from the claimant groups before an outcome could be decided. *Kalgoorlie Miner*, 5 February 2003.

Mediation has been instigated by the NNTT between interested parties and native title claimants, over land south of Dongara, in mid west Western Australia. Any person with interests in the land and waters in question may apply to become a party to the application. The Taylor Group are seeking recognition of their traditional rights over more than 10,000 sq km of land south of Dongara and west of Perenjori. *Geraldton Guardian*, 7 February 2003. Taylor Group claim: WC01/4, WG6006/01.

The South West Aboriginal Land and Sea Council (SWALSC) held community meetings during March to inform native title claimants about the benefits of lodging a single native title claim. This has come about due to the Noongar People in the south west, being asked to consider combining all of their six current claimant applications into one. SWALSC CEO Darryl

Pearce, has stated that this is the best way to achieve a negotiated outcome for the Noongar people. By combining all applications, it would be less costly for the taxpayer, less time consuming and easier for the State Government and local authorities to deal with. *Donnybrook Bridgetown Mail*, 13 February 2003. Noongar claim: WC96/70, WG6102/98.

The Walman Yawuru people have been successful in their case to be represented by a non-legally trained person in proceedings before the Federal Court for the determination of native title. Prior to this, the claimant group had been legally represented but were no longer able to pay the fees for such representation. Under s85 of the *Native Title Act 1993* (Cth), leave can be granted for a representative, other than a barrister or solicitor, at the discretion of the Court. Leave was granted subject to conditions. *Native Title Hot Spots – Issue 4*, March 2003.

Western Australia's annual Pastoralist and Graziers Association conference was held in Perth during late February. The conference included several workshops focusing on native title. *Broome Advertiser*, 25 February 2003.

Queensland

Justice Goldberg of the Federal Court has issued an order to native title claimants in the South Burnett area, to quickly settle their overlapping claims on public land. The two overlapping claims are Wakka Wakka People No. 2 and the Jarowair People. Stakeholders are currently in the process of developing an ILUA, involving a number of local authorities. A further directions hearing has been set down for 16 April 2003 when progress with the South Burnett ILUA will be reassessed. *South Burnett Times*, 21 February 2003. Wakka Wakka #2 claim: QC99/33, Q6032/99; Jarowair claim: QC00/5, Q6005/00.

The Jagera People have recently lodged a native title claim over their traditional land and waters. Esk Shire Council were recently contacted by the NNTT and advised that this claim was within their local government area. The NNTT will now test the application and then advise all affected local governments. Information will also be provided on how to become a party to the application. The area covered in the claim includes the area from Nundah to Toowong to Mt Crosby, and from Esk to Murphy's creek. *Queensland Times*, 28 February 2003. Jagera claim: QC02/33, Q6031/02.

The Queensland Government has handed back parcels of land in Kingaroy, south-east Queensland, to the Wakka Wakka people. The Department of Resources and Mines, Native Title and Indigenous Land Services executive director Jim McNamara, said "in handing over this land, the Queensland Government recognises and respects the traditions, observances, customs and beliefs of the Wakka Wakka people as the custodians of the land". *Koori Mail*, 29 January 2003. Wakka Wakka claim: QC98/47, QG6129/98.

New South Wales

The Wonnarua people have lodged an application for native title over 18 sq km of land within the areas of Singleton, Cessnock and Lake Macquarie. The Wonnarua group are applying for use, ownership and control of access to the land, and the right to receive a portion of any resources taken from the sites. If the claim is successful, the group will also be granted the right to manage animals, plants and minerals in the area. *Newcastle Herald*, 30 January 2003. Wonnarua claim: NC96/20, NG6038/98.

Victoria

More than 1000 people attended the Yorta Yorta National Survival weekend, held on the 25 and 26 January 2003. The theme of the two day event held in the Barmah For-

est, situated on Yorta Yorta land, was to acknowledge their struggle for justice. The celebration included concerts, Yorta Yorta dance performers, speakers, forums and activities for the children. Monica Morgan announced the end of her official position as the representative for the Yorta Yorta people. The Elders Council has nominated Henry Atkinson to resume the role. *Koori Mail*, 18 February 2003. Yorta Yorta claim: VPA94/1, VG6001/98.

Yorta Yorta native title claimant group member and lead co-ordinator Monica Morgan, said yesterday her people had run out of options under Australian law in relation to their native title application. Last year's High Court decision dismissed the Yorta Yorta appeal, following an earlier decision that native title did not exist. The court found the claimants could not prove continuous connection to the land which covers around 2000 sq km around the Murray River in Victoria and New South Wales. Ms Morgan also stated that a submission to the United Nations Working Group on Indigenous Populations would also be made when a representative of the group visits Australia later this year. *Herald Sun*, 14 February 2003.

For the first time a delegate's decision to register an ILUA has been challenged. The parties in this particular agreement, were Ms Carolyn Briggs on behalf of the Boonerwung people and Blairgowrie Safe Boat Harbour Limited. The agreement in Victoria dealt with the construction of a safe harbour on Crown land and waters, over which there

was no native title claim. Under the ILUA consent had been given for any future acts that might be involved in the construction of the harbour. *Native Title Hot Spots - Issue 4*, March 2003. Boonerwung claim: VC98/4, VG6025/98.

The mediation process in the Wotjobaluk native title claim is proving successful. The Wotjobaluk people are seeking two per cent of the original claim area along the banks of the Wimmera River, including the right to hunt, fish, gather, and camp along the river (still subject to all existing laws and regulations). Their rights would not limit public access, grazing licences, water frontage licences or other existing interests. *Wimmera Mail*, 31 January 2003. Wotjobaluk claim: VC99/51, V6005/99.

Tasmania

A native title claim at Circular Head is the first claim on Tasmanian land to progress to the public notification stage. The claim covers 1.3 sq km between Arthur River and Temma, known as Sundown Point. The application was originality lodged in September 2000 but was not accepted for registration because the application failed to establish the claimant group's physical connection to the land, including a factual basis for the claim. After the notification period the court has determined that the claim will go to mediation. If a suitable agreement can not be reached through mediation the claim will go on to litigation in the Federal Court. *Burnie Advocate*, 16 January 2003. Sundown Point claim: TC00/1, T6001/00.
