

professional associations that service the disciplines providing expertise in native title.

- It is also anticipated that improved professional performance will assist the NNTT strategic objectives of outcomes through mediated native title determinations.

- Mentoring benefits to all those involved. Some advantages of being a mentee are:

1. support for setting and achieving goals,
2. increased confidence and self-esteem
3. personal growth and extended networks and support systems.

NATIVE TITLE IN THE NEWS

National

Aboriginal activist Noel Pearson gave a stinging critique of the High Court bench in an address during the Centenary Conference. He said that the majority of judges had severely prejudiced Aboriginal people by misinterpreting the definition of native title. Mr Pearson said that in recent native title decisions, the court had placed an horrendous onus of proof on native title claimants because of misinterpretation and misapplication of the common law. Mr Pearson received a prolonged ovation from the highly distinguished audience including chief justices of every Australian court. He further said the court's interpretation of native title had been completely contrary to the intention Parliament had when it passed native title legislation in 1993 and 1998. *Canberra Times*, pg 7. 11 October 2003.

New South Wales

Members of the Bogan River Wiradjuri group recently visited the Byron Bay Arakwal people to discuss issues such as caring for country and involvement in national park management. Wiradjuri spokesperson Ray Keed Jnr said the visit was seen as an exciting opportunity to meet with other Aboriginal people who are actively involved in working with the community and the National Parks and Wildlife Service. Funded by the NPWS Celebrating Aboriginal Communities program, the visit included a meeting

Mentors benefit too, through increased self-awareness, different perspective on issues and by making a contribution. Organisations gain from improved employee commitment, attracting and retaining staff, and building organisational capacity.

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and a tour of Arakwal National Park, involving non-Aboriginal community representatives and NPWS staff. *Byron Shire Echo*, pg 14. 02 September 2003. Wiradjuri claim: NC02/3, N6020/01 & Arakwal claim: NC01/8, N6002/02.

The signing of an agreement that allows the Kamilaroi People to access land was recently celebrated in Coonabarabran. The Kamilaroi people now have access to land next to the town's showground while assuring the local pony club access to continue to hold cross-country horseriding events. The agreement arose through the negotiations over the Kamilaroi People's native title claim lodged nine years ago. Kamilaroi native title claimant Margaret Robinson said the agreement was an important step towards reconciliation in the community. *Northern Daily Leader*, pg 4. 10 September 2003. Kamilaroi claim: NC96/18, NG6036/98.

At The 2003 National Awards for Local Government, Bega Valley Shire Council received a commendation for its Memorandum of Understanding with local Aboriginal people. The area of commendation was 'Strengthening Indigenous Communities'. The Council submitted a nomination as a means of showcasing the positive outcomes achievable when local government seeks to work in partnership with Aboriginal people. The successful MOU was signed by the Council, the Shire's three Local Aboriginal

Land Councils and Native Title holders in June 2001. *Eden-Inlay Magnet*, pg 2. 18 September 2003.

Two Aboriginal groups on the Shell Cove marina site have had their million dollar compensation claim rejected. The claim was lodged about a month ago after Shellharbour City Council publicly announced its intentions to compulsorily acquire an area of ocean and beach which will form the breakwaters and entrance to the marina. Each claimant sought \$500,000 in compensation to be held in a trust administered jointly by NIAC and the council. Wadi Wadi Coomaditchie Aboriginal Corporation chairman Allan Carriage accused the council of treating Illawarra Aboriginal people with contempt and said there was ample evidence to prove his people were traditional owners of the land. Council general manager Brian Weir said he rejected the claim on legal advice and advice from Lands NSW. *Illawarra Mercury*, pg 4 23 September 2003. Gundungarra claim: NC96/21.

Two Arakwal representatives were recently awarded the Distinguished Achievement in Wildlife Conservation Packard Award at the World Parks Congress in Durban, South Africa. Byron's 183-hectare Arakwal National Park is the first area to be jointly managed by Indigenous peoples and the NSW Government, and was recognised as an effective model for native title claims. It is also the first Indigenous Land Use Agreement (ILUA) in Australia that has been responsible for the creation of a national park. As well as returning the land back to the rightful traditional owners, the park has also assisted in employment for the Arakwal people. *Northern Star (Lismore)*, pg 3. 25 September 2003. Arakwal claim: NC01/8, N6020/01.

A native title claim will be lodged today over Central Coast stadium by the Darkinjung local Aboriginal Land Council. The lodgement is just five days before the stadium is due to host the first of its three Rugby World Cup matches. The claim follows World Cup officials refusal to allow the Indigenous group permission to perform a welcoming ceremony at the stadium. Land

Council chairman David Pross said Darkinjung would lodge the land claim under native title and NSW Aboriginal Land Rights Acts. *Central Coast Herald*, pg 1. 07 October 2003.

There have been concerns about the drawn-out nature of the Gumbaynggir peoples native title claim. Bellingen Shire Council have decided to remain a party despite this and the possibility of large legal expenses. To date, the councils legal expenses are more than \$14 000. Bellingen mayor Cr Gordon Braithwaite said the council was fighting for a portion of land worth well in excess of \$100,000. A representative of the solicitor firm Abbott Tout who is handling the case, said it was difficult to estimate when the case may conclude. *Advocate (Coffs Harbour)*, pg 2. 11 October 2003. Gumbaynggir NC98/15, NG6104/98.

The popular diving spot Julian Rocks, off Cape Byron, has become the centre of a native title conflict. The Arakwal people, are disputing a counter-claim from the Ngarkbul people. The Ngarkbul people from Tweed Heads claim that 'Julian Rocks' is the birthplace of their dreaming and have enlisted the Tweed Heads Historical Society to help prove it. Adam McLean, barrister for the Arakwal people stated that the Arakwal people had established in the Federal Court that they were traditional owners of the country in question. *Northern Miner (Charters Towers)*, pg 3. 16 October 03.

Northern Territory

Rio Tinto subsidiary ERA will move its headquarters from Sydney to Darwin in a move to strengthen current relationships with Aboriginal communities. ERA chief executive Bob Cleary said his company wished to forge even closer links particularly with the Aboriginal people who live close to their operations. Rio executive Harry Kenyon will head the operation. ERA is now set to become the first major company listed on the Australian Stock Exchange to be headquartered in the Territory capital. ERA staff in the Northern Territory were previously located in Berrimah. *The Australian*, pg 35. 08 October 2003.

A comprehensive package has been put together by the Northern Territory Government to settle all present and future land claims over the territory's wilderness parks and reserves. Traditional owners through the Territory's land councils, have until 30 June 2004 to take up the offer which is detailed in new legislation to be introduced to the Northern Territory Parliament next month. Chief Minister Clare Martin said she wanted the issues to be resolved through negotiations with land owners, rather than through the courts where litigation could cost up to \$150 million over the next 20 years. The move was welcomed by Aboriginal and environmental groups, but criticised by the Northern Territory Opposition. *Illawarra Mercury*, pg 18. 20 September 2003.

Queensland

An application allowing five representatives of the Daintree Coast community to participate in Native Title negotiations went through the Federal Court unopposed. The successful application means information regarding the native title claim in Cow Bay will be released to the five Daintree residents on behalf of the Daintree Coast Community. The case was taken to the Federal Attorney-General's Department in October last year. As a party to the claim, the representatives will now be kept informed on the process of the claim. *Port Douglas & Mossman Gazette*, pg 3. 11 September 2003.

A Native Title studies centre at James Cook University in Cairns was launched recently. As the only institute of its kind in an Australian University, Premier Peter Beattie expects a busy time ahead for the centre. Foundation director Craig Jones said the centre would focus on how reconciliation works in the real world. It is hoped that the centre will be a valuable resource for government agencies, traditional owners, land councils, local authorities and industry. *Cairns Post*, pg 7. 29 September 2003.

The National Native Title Tribunal recently announced the registration of the Flinders Shire Council and Yirandali Indigenous group Indigenous Land Use Agreement

(ILUA). Following this, the transfer of 35 hectares of land and two hectare parcels of land for use by the Yirandali people into freehold will take place. A framework agreement signed alongside the ILUA in April has also been progressing well. *Northern Miner (Charters Towers)*, pg 9. 25 September 2003. Yirandali claim: QC00/9, Q6008/00.

A two day Land Summit meeting was held on Thursday Island in September. The meeting brought together traditional land owners representing 18 Torres Strait Islands and State and Commonwealth bodies to discuss full recognition of native title. The meeting was a result of the State government's position that public works extinguishes native title and ownership of land. The landmark meeting concluded with a promise from all traditional land owners that they would push even harder to gain full recognition of their native title rights and land ownership, and lobby the State government if necessary. *National Indigenous Times*, pg 14. 15 October 2003.

In order to avoid further native title confrontation, Aboriginal groups together with Queensland miners will sign an historic agreement. Two years of negotiation between the QLD Mining Council, QLD Indigenous Working Group and the State government has produced a memorandum of understanding which outlines ways to improve native title legislation. Mining Council chief executive Susan Johnston said the dialogue with QIWG had not only helped to improve the native title regulatory framework in Qld, but had led to closer ties between the resource sector and Indigenous groups. *The Australian*, pg 21. 30 October 2003.

Judge Brian Boulton has issued a warning while sentencing four Brisbane residents formerly of the Torres Strait Islands. He warned all Indigenous people not to assume native title rights in relation to protected species. All four pleaded guilty to 'taking a protected animal' on May 14 last year, after they killed a dugong, as part of a manhood ceremony. The judge stated the people involved should have known they did not have

rights over dugong in Moreton Bay off Brisbane. *Herald Sun*, pg 15. 16 October 2003.

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South Australia

Indigenous elders recently congregated at a bush camp in South Australia's far north to discuss tactics to prevent a nuclear waste dump being built on their traditional land. Indigenous elders from across Australia attended the three day camp at 10 Mile creek near Coober Pedy. The Kupa Piti Kungka Tjuta group called the meeting to once again express their profound opposition to locating a nuclear waste dump in the region. *National Indigenous Times*, pg 8. 01 October 2003.

Tasmania

Tasmania's Premier Jim Bacon has announced that returning land to Aboriginal communities is high on the Government's agenda. Tasmania's ATSIC Commissioner, Rodney Dillon welcomed the news saying it demonstrated understanding. Mr Bacon said land would be transferred back to Aboriginal ownership after extensive consultation takes place with both Aboriginal and wider communities. Mr Dillon believes there will be considerable non-aboriginal opposition to the land transfers and the Government would need to educate the public on how it would affect them. *Burnie Advocate* pg 12. 24 September 2003.

ATSIC commissioner Rodney Dillon will address a national Indigenous fishing rights

conference in Fremantle, in relation to handing back fishing rights to Aborigines. Mr Dillon will also state that Tasmanian aborigines should be granted a share of the state's commercial fishing quotas. Mr Dillon said while Western Australia and South Australia were moving towards recognising Indigenous fishing rights in law, Tasmania was not. State Primary Industries, Water and Environment Minister Bryan Green said the government would continue to work with the Indigenous community through the review of the Living Marine Resources Act to achieve the best outcomes. *Mercury (Hobart)*, pg 7. 27 October 2003.

Victoria

Recognition of the Wotjobaluk native title claim is only days away, as parties to the claim prepare their response to the claim. The claim would be the first in Victoria to be settled by agreement. The legal process now requires the other parties to the Wotjobaluk claim to state their support, or otherwise, before the Federal Court can ratify the agreement. There are 435 respondents, including 300 local farmers and the Commonwealth Government. The Victorian Government and local councils have already announced they support the claim. *Herald Sun (Melbourne)*, pg 22. 04 September 2003. Wotjobaluk People claim: VC95/2, VG6002/98.

A challenge to a native title agreement that allowed the building of a \$7 million marina in Blairgowrie has been dismissed in the Federal court. In dismissing the appeal, the full bench ruled that it was not necessary to have the consent of everyone claiming native title, for an ILUA to be valid. Justice Marshall found the National Native Title Tribunal staff had not favoured Victorian Boonwerung land council elders Carolyn Briggs by allowing registration of the ILUA. *Frankston Hastings Independent*, pg 5 30 September 2003.

Western Australia

The Heritage Protection Working Group travelled to Broome last week to negotiate a regional heritage protection agreement with

the Kimberley Land Council. KLC executive director Wayne Bergmann said that settling the outstanding issue of the heritage protection agreement in a manner that respects the long-standing concerns of Kimberley traditional owners was a priority. The group comprised representatives from the State Government, the National Native Title Tribunal, the mining industry and Native Title Representative bodies. *Broome Advertiser*, pg 7. 04 September 2003.

The Mulga Mallee regional council has identified a national forum in the Goldfields to address the issue of fringe dwellers. Chairman Brian Champion said that itinerant and fringe dweller problems were right across Australia, and that a national forum would identify what strategies are working and how others can be improved. The Department for Community Development director east division Leah Bonson said that the department welcomed the proposal for a national forum. Eyre MLA John Bowler, who raised the idea to conduct a national forum about a year ago, said he was delighted that the Mulga Mallee regional council had made it a priority. *Kalgoorlie Miner*, pg 4 06 September 2003.

South-west Aboriginal groups are standing together on a single land claim covering the entire region, shaking off a reputation for division and dispute. After eight months of consultation, the claim will shortly be lodged with the Federal Court. Just two families have elected to stay outside the process and will continue to push their own claims. Claimant Richard Walley said Noongars had been unfairly tagged as a divided group, when they always agreed on fundamental principles. DIA director-general Richard Curry supported the move and applauded SWALSC for bringing the community together for a single purpose. *West Australian*, pg 8. 08 September 2003. Single Noongar claim: WC03/5, W6006/03.

A Goldfields Aboriginal group has sought the involvement of the Queen after the Government approved expansion of a mine. Lenora-based Ngalia Heritage Research

Council sent a letter to Her Majesty asking for her assistance to halt Portman Iron Ore's expansion at Koolyanobbing, which Ngalia claims is destroying religious and spiritual sites. The letter signed by council president and Ngalia elder Dolly Walker, was also sent to the United Nations and leading human rights and religious figures in a last-ditch effort to stop activity. *Kalgoorlie Miner*, pg 1. 10 September 2003.

A plan being pushed by the Gallop Government could see ownership of WA's world-famous national parks, state forests and marine parks transferred into Aboriginal hands. The State Government wishes to hand over to traditional owners, then lease back, title to 25 million hectares throughout WA. The Government also wants to legislate to allow Indigenous groups to live within the parks and exercise their traditional laws and customs. It is already negotiating ownership of WA's biggest national park, the 1.2 million-hectare Rudall River National Park in the Pilbara, with the Martu traditional owners. *West Australian*, pg 1. 11 September 2003.

The Wongatha Goldfields native title claim will take longer than expected to finish due mainly to lengthy cross-examination of expert witnesses. Evidence was set down to be heard within a six week period, which now seems unlikely to be completed by the stipulated end date. The Federal Court has already listed extra sitting days to finish hearing expert evidence from anthropologists. The current six-week session has covered land tenure issues and included evidence from Goldfields Aboriginal people and local pastoralists. *Kalgoorlie Miner*, pg 4. 12 September 2003. Wongatha claim: WC99/1, WAG 6005/98.

Plans to share conservation management between the Department of Conservation and Land Management, and Aboriginal groups, has been welcomed by the Goldfields Land and Sea Council. GLSC executive director Brian Wyatt said that the joint management plans currently in place were being copied in other parts of Western Australia. The Government proposal would also grant some Aboriginal groups inalienable

freehold title. One Nation Mining and Pastoral region MLC John Fischer believes titles for the parks including Kings Park in Perth should not be handed over to Aboriginal people, but did support the concept of Aboriginal people having a role in land management. *Kalgoorlie Miner*, pg 7. 17 September 2003.

Federal Indigenous Affairs Minister Phillip Ruddock plans to visit Kalgoorlie-Boulder next month. Issues including native title, reconciliation and land council accountability are expected to be high on the agenda. Kalgoorlie MHR Barry Hase had invited Mr Ruddock to visit the region. Aboriginal and Torres Strait Islander Services regional manager Adrian Brahim said he would brainstorm with Aboriginal and Torres Strait Islander commissioners to discuss what issues they would raise. *Kalgoorlie Miner*, pg 4. 20 September 2003.

The Native Title Registrar has decided against registering the Koara claim in the northern Goldfields. The Goldfields Land and Sea Council will appeal this decision as the claim was not registered due to a technicality. The Koara people have had negotiating rights over the area for the past six years and have already given evidence for the overlapping Wongatha claim. The claim's rejection has resulted in widespread disillusion within the claimant group. *Kalgoorlie Miner*, pg 7. 13 October 2003.

Members of the Nyungah Circle of elders have applied to Federal Environment and Heritage Minister David Kemp for work to cease on the Wright Lake rowing course and Tonkin Highway extension. The elders say Wright Lake is under "serious threat of injury and desecration". Mr Hayward-Jackson said the elders were particularly concerned a previous application to the Federal government to preserve sacred sites affected by the Tonkin Highway extension had not succeeded. *General News*, pg 1. 14 October 2003.

The State government through the Office of Native Title is providing additional funding towards the appointment of two new offi-

cers for the Goldfields Land and Sea Council. The \$20,000 will augment the original grant of \$130,000 over two years, for two future act officers. The officer's role will be to liaise with claimants, ensuring statutory requirements for heritage consultation and protection are fulfilled. GLSC executive director, Brian Wyatt said the extra officers would help enormously with processing the approximately 1100 mostly mining-related future act applications the GLSC receives each year. *Golden Mail (Kalgoorlie)*, pg 10. 17 October 2003.

South West Aboriginal elders have called on the State government to protect culturally significant sites. Mining giant Cable Sands was given permission last month to begin mining the Ludlow State Forest after Environment Minister Judy Edwards imposed strict environmental conditions. However, members of the Nyungah Circle of Elders wrote to Premier Geoff Gallop and Indigenous Affairs Minister John Kolbelke stating there were still concerns regarding damage to 'spiritual dreaming' in the Ludlow forest. The letter also stated the Indigenous group had a long association with the forest before and during white settlement and was also believed to be the burial site of ancestors. *Bunbury Herald*, pg 8. 21 October 2003.

The Goldfields Land and Sea Council want a fairer and more flexible system for the registration of native title claims. The council believes reform is essential to restore the confidence of Indigenous people in regards to the native title process. GLSC executive director Bryan Wyatt, said the system was far too technical with not enough emphasis on recognising the obvious, such as Indigenous people being the historical custodians of the land. Mr Wyatt added Australia should follow South Africa's example of changing the native title system to be fairer and more sincere in its approach to delivering land justice to Indigenous people. *Golden Mail (Kalgoorlie)*, pg 8. 24 October 2003.

The office of the new Federal Attorney-General Phillip Ruddock, has stated that the native title process is adequately funded. The

Goldfields land and Sea Council has refuted this suggestion. GLSC executive director Bryan Wyatt said the mining community of the Goldfields would suffer the most, along with native title claimants, if unrealistic levels of funding continued. The GLSC has a

need for extra resources as it represents 13 claim groups and has the highest future act burden in Australia. Approximately 55 per cent of the 11,000 applications in the backlog in WA are in the Goldfields. *Golden Mail (Kalgoorlie)* pg 7. 24 October 2003.

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 September/October.

Claimant Applications

Date Filed	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.
04/09/03	Partta	NT	DC03/4	D6004/03
10/09/03	Single Noongar Claim	WA	WC03/5	W6006/03
15/09/03	Kudjala People #6	QLD	QC03/11	Q6011/03
06/10/03	Molly Hill	NT	DC03/5	D6005/03
06/10/03	Combined Single Noongar Claim	WA	WC03/6	W6006/03
08/10/03	Ayapathu and Olkola Peoples	QLD	QC03/12	Q6012/03
14/10/03	Olkola/Strathleven, King Junction	QLD	QC03/14	Q6013/03
29/10/03	Deepwater	NT	DC03/6	D6006/03

REGISTRATION TEST DECISIONS

The National Native Title Tribunal posts summaries of registration test decisions at <www.nntt.gov.au>. The following decisions are listed for September to October. 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 does not pass the registration test, the applicant may seek a review of the decision in the Federal Court or re-submit the application.

Decision Date	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.	Decision
03/09/03	Blue Mud Bay	NT	DC98/13	DG6043/98	Not accepted
08/09/03	Olkola People	QLD	QC03/8	Q6008/08	Accepted
08/09/03	Olkola and Thaypan People	QLD	QC03/9	Q6009/03	Accepted
12/09/03	Olkola/Fairlight	QLD	QC03/10	Q6010/03	Accepted
12/09/03	Waluwarra/Georgina River People	QLD	QC97/5	QG6115/98	Accepted
18/09/03	Wik and Wik Way People	QLD	QC01/31	Q6029/01	Accepted
03/10/03	Partta	NT	DC03/4	D6004/03	Accepted