

With respect to native title, agreements tend to be lauded by all sides as the preferred mechanism for ordering relationships between Indigenous and non-Indigenous peoples. Yet, Australians still have limited experience of making agreements with Indigenous peoples, and no tradition of treaty making to call upon. The editors and their team are to be applauded for producing a work which not only

adds immeasurably to our knowledge, but instantly becomes the benchmark volume on agreement making in Australia.

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NATIVE TITLE IN THE NEWS

National

National Native Title Tribunal (NNTT) President Graeme Neate believes the resource sector is becoming increasingly committed to working with native title processes to build relationships with local Indigenous communities. Mr Neate has credited a growing body of expertise and experience that has better equip the industry to work through the native title processes. *Mining Chronicle*, pg 30. N.D-Jul-04.

Mr Robert Faulkner has been appointed as a part-time member of the National Native Title Tribunal. Mr Faulkner has extensive experience in Indigenous affairs and is currently the manager of the Indigenous Co-ordination Centre based in Tamworth, New South Wales. *NNTT Media Release*. 22-Jul-04.

New South Wales

The Federal Court has rejected an appeal to strike out a native title agreement signed by Wiradjuri people over the Lake Cowal gold mine in NSW. Neville Williams, also a Wiradjuri person, claims the wrong Indigenous group has signed the agreement with Barrick Gold. *ABC Online*. 12-Jul-04. The Wiradjuri People claim.

The Wagga Local Aboriginal Land Council has put forward a proposal to the NSW Government saying that The Rock Nature Reserve should be designated as an Aboriginal place. Residents in the area are concerned that this new designation may encourage na-

tive title claims on the popular landmark. At the public meeting which was attended by about 20 people, Dr Colin Killick, the National Parks and Wildlife Service area manager, stated that if the proposal is approved it would only acknowledge the importance of the reserve for Aborigines. *Daily Advertiser*, pg 3. 10-Aug-04.

The Byron Shire Council recently approving the re-zoning of a parcel of land near Tallow Beach which will allow the Arakwal people to establish an Aboriginal cultural centre. The centre will co-ordinate Indigenous tourism activities including a visitor centre/museum, training facilities, an outdoor theatre and office spaces for the Arakwal Corporation, NPWS, Marine Parks Authority and Cape Byron Trust. The Council had originally approved the cultural centre in 1998, but plans were deferred in 2003 to resolve contamination issues as the land had been used as a garbage dump by the Council in the 1970's. The next step for the Arakwal people is to find funding for the project which is estimated at \$2 million. *Northern Star*, pg 5. 11-Aug-04.

Eleven Aboriginal men will face court in Narooma, charged with illegally taking abalone. If convicted, these men may face jail terms. The men have admitted to taking abalone but maintain that they were exercising their traditional rights. The New South Wales Native Title Services (NSWNTS), the representative of native title claimants in NSW, has recently made a submission to the NSW Government, which is currently reviewing its

Indigenous Fishing Strategy. CEO of NSWNTS, Warren Mundine, supports the Indigenous Fishing Strategy but has called for the cultural rights of Indigenous people to be respected. *National Indigenous Times*, pg 4. 18-Aug-04.

Northern Territory

The development of land at Larapinta has been delayed. The Northern Territory Government has granted an extension of time to the Lhere Artepe native title group to sign a developer for the lease. The deadline has been pushed back to 27 August. Lhere Artepe called for expressions of interest in mid July. *Centralian Advocate*, pg 2. 16-Jul-04.

Aboriginal traditional owners in the Kakadu region have expressed concern that they were not consulted in relation to the cancellation of the entry fees to the Kakadu National Park. The Federal Government has announced that no fee will be charged to enter the Park, which is jointly managed by the traditional owners. The government has said that although the Indigenous group received \$750,000 from the fees, they would not be out of pocket by the drop in entry fee. The Northern Land Council, who are representing the traditional owners, said it should have been consulted. *Northern Territory News*, pg 2. 22-Jul-04.

Traditional owners from the Hermannsburg area have called for a production audit to ensure they are receiving the correct amount of royalty payments. Two traditional owners have written to the Central Land Council (CLC) asking for a full and comprehensive audit, including the total amounts of hydrocarbons produced since the start of the field, total revenue, and total payments to the Northern Territory Government and the CLC. The traditional owners have said that the audit must be independent and that they want to be involved in the selection of the auditor. *Alice Springs*, pg 3. 21-Jul-04. Ntaria People.

Negotiations to settle potential land rights or native title claims over Litchfield National Park, Eley National Park and the Daly River Conservation Area have been unsuccessful. Northern Territory Chief Minister Clare Martin has said that these claims will have to be dealt with in the normal way, through the National Native Title Tribunal. *Koori Mail*, pg 38. 11-Aug-04.

Northern Land Council (NLC) chairman, Galarrwuy Yunupingu, has announced he will resign in October after almost 40 years involvement in Indigenous Affairs. His contribution to political debate on matters of social, economic and cultural significance for Aboriginal people is seen as immeasurable. Galarrwuy first joined the Northern Land Council in 1975, became chairman in 1977, and has continued to hold executive positions within the NLC since. *Northern Territory News*, pg 11. 16-Aug-04.

An Indigenous Land Use Agreement (ILUA) in central Australia was recently registered with the National Native Title Tribunal. This agreement will release residential land in Alice Springs, and is seen as a significant agreement. Under the agreement, the Lhere Artepe Aboriginal Corporation (LAAC) surrendered native title to the Northern Territory Government to enable the creation of freehold blocks of land and roads in the Larapinta Valley subdivision. Up to 20 hectares of land will be released under the ILUA, of which half will form a free development lease for the native title holders as part of an economic development enterprise. *National Native Title Tribunal - media release*. 12-Aug-04. DI2004/005: Phase 1 of Larapinta Stage 4.

Queensland

An ILUA is expected to be granted which will allow copper and gold to be mined at Lady Larrissa, about 21km east of Mount Isa. Joe Rogers, who owns the Lady Larissa mining lease, has been in negotiations with the Kalkadoon People since 1997. It is believed

the Lady Larrissa ILUA will be granted before the end of the year. *North West Star (Mt Isa)*, pg 3. 16-Jul-04.

Justice Spender has granted a conditional extension in a native title claim in the Yarrabah region but has warned that the delays were jeopardising the entire claim. The communal native title claim involves four applicants from groups in the Yarrabah region, including the Mandingalbay, Yidinji and Gungandji groups. Ricko Noble, one of the four applicants has refused to agree to the terms of the communal claim. If agreement is not reached while Ricko Noble remains one of the applicants, the claim would be struck out and the whole process started from scratch. *Cairns Post*, pg 9. 22-Jul-04. Combined Mandingalbay Yidinji - Gungandji claim.

Kalpowar Station's traditional owners have expressed concerns that continuing uncertainty over land tenure is resulting in culturally significant sites on their land being damaged or destroyed. Station Manager Michael Ross, a spokesperson for the traditional owners, has repeatedly requested stricter controls on tourists who visit the popular Cape York holiday destination. Cook Shire Mayor Bob Sullivan has stated that the area needs to be managed and looked after better, however, until native title deliberations are complete, the shire is limited in their actions. *Cooktown Local News*, pg 3. 18-Aug-04.

The Environmental Protection Authority has told the Burdekin Shire Council they have 28 days to inform them of their plans to ensure the Groper Creek Caravan Park's sewerage system is up to standard. Cr McLaughlin recently told the Home Hill Chamber of Commerce that the Council was working to resolve the issue. Former mayor John Woods said one of the biggest hold-ups was determining native title over the area. *Home Hill Observer*, pg 3. 26-Aug-04.

South Australia

An ILUA in South Australia has been registered with the NNTT. The agreement will allow mineral exploration to take place and will ensure the protection of Indigenous heritage. The native title claimants, the Antakirinja Land Management Aboriginal Corporation, the SA Chamber of Mines and Energy, the Aboriginal Legal Rights Movement (ALRM) and the South Australian Government all signed the ILUA. The agreement covers a 41,156 sq km area near Coober Pedy. *Gold and Minerals Gazette - Australian Mining Times*, pg 75. N.D-Jul-04. SI2003/007: Antakirinja Area Mining Exploration ILUA.

Victoria

Victorian Attorney-General Rob Hulls recently met with Aboriginal leaders in Victoria's north-west in an attempt to resolve a native title claim over 13,500 sq kms between Bendigo, Mildura and the South Australian border. The six Indigenous groups involved are attempting to settle their claims through a regional agreement rather than through the court system. The Attorney-General has stated that it is preferable to pursue native title matters outside of the courts and said the government was keen to try and facilitate regional agreement in line with the native title claimants aspirations. A possible agreement would cover land use and management issues, including hunting, fishing and gathering rights and cultural heritage rights. *Koori Mail*, pg 18. 11-Aug-04. Dja Dja Wurrung group, Yupagalk group, Wadi Wamba Barapa group, Robinvale native title group, Latji Latji group, and the Wergaia group.

Western Australia

The Kimberley Land Council (KLC) recently signed an agreement with Environs Kimberley and the Australian Conservation Foundation (ACF). The agreement calls for the scrapping of plans for broad scale irrigated cotton growing in the region and states that the region should control its own water re-

sources to ensure sustainable environmental, cultural and social benefits. KLC chairman Tom Birch welcomed the alliance and said many similar values were shared with both Environs Kimberley and the ACF. *Kimberley Echo*, pg 9. 01-Jul-04.

A native title agreement has been signed by the Ngoonooru Wadjari People, the Yugunga-Nya People and St Barbara Mines Ltd. Ron Shay of the Yugunga-Nya People has said the agreement shows what co-operation can achieve. Under the agreement, the traditional owners have consented to the use of the land for present as well as future mining exploration and development. The two Indigenous groups will also benefit from health programmes, educational and employment opportunities and economic developments. *Yamatji News (Geraldton)*, pg 5. 14-Jul-04.

The transfer of land back to traditional owners in North Western Australia will be streamlined after an agreement between the Kimberley Land Council and the Western Australian Government. Indigenous Affairs Minister John Kobelke has said there is a large amount of land in the Kimberley region that is waiting to be returned to the Aboriginal people. John Kobelke also said the memorandum of understanding between the land council and the State Government will streamline the often lengthy delays Indigenous groups face in relation to receiving back their land from the government. *ABC Online*. 15-Jul-04.

Shire councils in the south-west region of Western Australia have been asked to participate in the Central Wheatbelt ILUA. The agreement aims to resolve issues of native title and Aboriginal heritage through a process of negotiation and agreement. Signing would provide local councils with a procedure to ensure compliance with the Act and set time frames for the assessment of claims by the South West Aboriginal Land and Sea Council. *Narrogin Observer*, pg 3. 21-Jul-04.

Jacobs Sverdrup Australia and the South West Aboriginal Land and Sea Council (SWALSC) have won a Prime Minister's Awards for Excellence in Community Business Partnership. The WA Medium Business Award recognises the successful development of an economic development strategy and set of 'nation building' plans for the Noongar people of South West Australia. The partnership was developed in consultation with the Office of Aboriginal Economic Development and representatives of the Noongar people. *Community Business Partnership online*. 23-Jul-04.

Goldfields Land and Sea Council director Brian Wyatt, has stated Australia needs a new approach to land justice. Mr Wyatt has returned from a six week Churchill Fellowship study tour of Africa and North America. He said that countries such as Canada and South Africa have simpler, less litigious systems in place to achieve land justice. Brian Wyatt identifies the involvement of the Federal Court as one of the reasons why the Australian system is costly and time consuming. *Kalgoorlie Miner*, pg 5. 02-Aug-04.

An in-principle agreement has been signed between the Kimberley Land Council, Argyle Diamond Mines (ADM) and the traditional owners of the area. The agreement comes after the traditional owners were approached by ADM during 2001 to renew their relationship and to work towards a formal land use agreement. The participation agreement provides consent for the mine's current and future operations, the protection of Aboriginal sites, the availability of cross-cultural training and opportunities for land management and business development. *Broome advertiser*, pg 3. 05-Aug-04.

Kalgoorlie MLA Matt Birney has been blocked by Native Title Minister and Deputy Premier, Eric Ripper, from viewing all government correspondence in relation to the long-running Wongatha claim. Mr Birney has stated he may appeal to senior freedom

of information officials. *Kalgoorlie Miner*, pg 8. 14-Aug-04.

Corrie Bodney, whose native title claim over 10,000sq km of Western Australia, was dismissed on a technicality by the Federal Court last year has won his appeal. The Full Federal Court has upheld Mr Bodney's appeal, ruling that the Mr Bodney should have been given the opportunity to amend his application to conform with native title law. The claim area is about 10,000sq km of land stretching north to south from Guilderton to Warnbro and west to east from Rottne to Northam. *West Australian*, pg 42. 25-Aug-04.

The Wanjina/Wunggurr Wilinggin and Ngarinyin claims in Western Australia were finalised at a Federal Court hearing at Mt Barnett recently. The hearing will end nine years of dispute over the land. A draft decision was handed down in December and no major changes are expected. The Aboriginal claimants will receive non-exclusive rights over most of the claim area, and exclusive possession over some unallocated crown land and leases or reserves already held for the benefit of Aboriginal people. The first combined claim was originally lodged with the NNTT in 1995, with the second claim filed in the Federal Court in 1999. *West Australian*, pg 16. 27-Aug-04. Wanjina-Wunggurr Wilinggin Native Title Determination No 1.

The WA Government has received industry support for an amended package of changes to the current Mining Act. The revised Bill will help clear the native title claim backlog. Currently there are more than 12,000 exploration and mining title applications pending, and around 5,200 applications for mining leases. Under the proposed changes, explorers not immediately seeking to start mining operations could convert mining lease applications (MLAs) into extended exploration licenses. *West Australian*, pg 43. 27-Aug-04.

A1 Mining has recently made a landmark deal with the Wongatha Indigenous claim group. The deal clears the way for the granting of a mining lease, which will assist the company's Brightstar project in Western Australia. The agreement will provide for the Wongatha people to consent to the granting of all current and future tenement applications by A1 or any of its joint ventures, create employment and training opportunities and protect Aboriginal sites. *Gold and Minerals Gazette*, pg 16. N.D Aug 04.

Construction of a \$630 million liquid ammonia plant on the Burrup Peninsula near Karatha in Western Australia remains on track for the third quarter of next year. Construction of the site began in April 2003, and when fully operational will be one of the world's largest ammonia production facilities. During the production phase, it is estimated that approximately 600 jobs will be created on site with many others created throughout Western Australia. The speed at which the project advanced was fast, given the extremely detailed and complex negotiations associated with native title and heritage issues, environmental and other statutory obligations. *Gold and Minerals Gazette*, pg 70. N.D-Aug-04.

Iva Hayward-Jackson, a land and cultural worker for the Nyungah Circle of Elders has stated that the Subiaco Council has an excellent relationship with the Subiaco traditional owners. The Aboriginal flag is flown in front of council office, Aboriginal history and artwork are featured prominently in the Subiaco Museum, and historical works have been developed in consultation with the Nyungah Circle of Elders. Hayward-Jackson points to these examples to show how local government has gone direct to the people, rather than being filtered through state government or federally funded reconciliation groups. *Subiaco Post*, pg 15. 28-Aug-04.
