

native title rights and interests held by the ap-

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## NATIVE TITLE IN THE NEWS

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### National

As part of their Indigenous affairs policy, the Labor party has promised to reduce legal aid for pastoralists, miners and other third parties in native-title cases and re-direct the funding to native-title representative bodies (NTRBs). Labor has pledged to review the operation of the Native Title Act to 'ensure its workability' and deliver a social justice package to Indigenous people. It has also promised to keep the office of Aboriginal and Torres Strait Island Social Justice Commissioner if elected. Indigenous affairs spokesman Kerry O'Brien has said the reduction of legal funding to third parties, around \$10 million over four years, would assist more negotiated native title agreements by discouraging litigation. *Australian Financial Review*, pg 11. 16-Sep-04.

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Greens candidate for Murray, Monica Morgan, has vowed to make an impact in the up and coming election campaign. Monica, a Yorta Yorta leader who has been heavily involved in the group's eight year land claim, said the Australian Green's policies sat well with Indigenous issues. Monica is aware that in order to have a voice, Indigenous people need to get into government and into large corporations. *Shepparton News*, pg 20. 16-Sep-04.

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Australian Deputy Prime Minister John Anderson and Attorney-General Philip Ruddock, have said Labor's plan to reduce legal assistance to farmers and the mining industry and increase uncertainty in the native title system is a major blow to regional Australia. The non-native title parties include pastoralists, local government, the fishing industry and miners. Mr Anderson further stated that Labor's policy would be detrimental to farmers and those industries which drive the economy of regional communities throughout Australia. *Northern Miner*, pg 4. 21-Sep-04.

### New South Wales

The NSW Government has recently proposed suspending native title claims for the life of an ILUA as a way of dealing with the backlog of native title claims. The Euahlay-i families who, have three native title claims stretching from Big Warrambool east of Collarenebri to the Bokharra River in the west, met recently to discuss ways an agreement could be reached. Details of the government's proposal have not been released. *Black Opal Advocate*, pg 1. 01-Sep-04. Euahlay-I families.

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Aboriginal elders of the local Dharawal nation, are apposed to BHP Billiton mining under the Nepean River. Mr Simpson, a traditional elder said that the plan to mine under the river was a disgrace and would effect numerous Aboriginal sites in the caves along the river. Another elder Mr Carriage, believes that the area should be left untouched and eco-tourism developed with walking tracks and Aboriginal guides. A media adviser from the office of the Minister for Mineral Resources said an environmental impact statement would have to be submitted by the company before any proposal could go ahead. *Campbelltown-Macarthur Advertiser*, pg 11. 29-Sep-04. Dharawal people.

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NSW Environment Minister Bob Debus has invited the local community to comment on a plan of management for the Arakwal National Park. The plan which was created jointly due to a previous ILUA recognises the rights and interests of traditional owners. Mr Debus also said that the Arakwal National Park was proving to be one of the most successful examples of joint management in Australia. He further said that it demonstrates that government and traditional owners can work together to protect and promote special places. *Byron Shire Echo*, pg 5. 5-Oct-04. Arakwal people.

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A long running native title claim by Don Bell on behalf of the Ngunnawal People has been discontinued. The claim was for the recognition of traditional rights and interests over land in southern NSW including Cootamundra, Yass and Goulburn. It is believed Mr Bell made the request to the Federal Court in Canberra and asked for the claim to be dropped primarily because he lacked the financial resources to continue. *Cootamundra Herald*, pg 3. 11-Oct-04. Don Bell on behalf of Ngunnawal People.

### **Northern Territory**

An expansion of the Alcan alumina refinery in Arnhem land was welcomed by Top End Aboriginal groups. Alcan, a Canadian aluminium company, invested \$1.85 billion into the project. The expansion is expected to generate more than 1700 jobs before the refinery becomes fully operational in 2007. The expansion would also create work for local Aboriginal companies and workers across the territory. This project will have a considerable affect on the small town of Nhulunbuy, in northeast Arnhem Land with a population of about 4000. *Weekend Australian*, pg 2. 11-Sep-04.

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The Wagiman group native title claim is currently in notification. The area under claim is 1,045sq km south-west of Pine Creek in the Northern Territory. National Native Title Tribunal Northern Territory State Manager Tony Shelley has said that parties with an interest in the area can register with the Federal Court to become a party to the application. Any person with an interest in the claim has until 05 January 2005 to apply. *Katherine Times*, pg 7. 29-Sep-04. *Cootamundra Herald*, pg 3. 11-Oct-04. Wagiman group.

### **Queensland**

Four native title applications over separate areas are currently in notification in Queensland, around Weipa on the western side of Queensland's Cape York Peninsula. The

claims are: the Mapoon People, whose application covers about 172 sq km near Cullen Point; the Angkamuthi People, whose claim is near Vrilya Point and covers an area of 69 sq km; The Weipa Peninsula People, whose application covers an area of about 480 sq km near Weipa; and the Thanakwithi People, whose claim is also near Weipa and covers an area of about 641.5 sq km. Anyone who has an interest that may be affected has until 29 September 2004 to apply to the Federal Court. *Murri Views*, pg 12. N.D-Sep-04. Mapoon People, Angkamuthi People, Weipa Peninsula People & Thanakwithi People.

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Traditional owners of Sudley pastoral lease near Weipa recently celebrated gaining access to their land and the protection of their sacred sites. The seven family groups represented by the Ilkutj Trust chose to sell the lease to Sudley Station and gain access rights through an ILUA. In 2000 the Comalco mining company announced the 130,000 ha property would be handed to the traditional owners of the area on the condition that a sustainable business plan could be developed for the property. *Cairns Post*, pg 20. 02-Sep-04. Western Cape families.

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Wik and Wik-way traditional owners are set to visit China for meetings in relation to bauxite deposits at Aurukun Aboriginal community land on western Cape York. It is understood the Chinese Government is keen to form a consortium of alumina producers to bid for the former Pechiney lease. The project is estimated to be worth up to \$23 billion, with at least 500 million tonnes of bauxite available to be extracted for the manufacture of alumina. Lawyer Noel Pearson, who is an advisor to the Aurukun people, said the development had the potential to provide long-term stability for local Indigenous people as well as real job opportunities. *Weekend Australian*, pg 2. 18-Sep-04.

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The Queensland Opal Miners Association (QOMA) has recently signed an ILUA with Budjiti-Mardigan native title claimants. The

agreement, which will allow opal to be mined in western Queensland and the processing of outstanding mining leases to take place, began 12 months ago. The area in question covers 270,000sq km in the Cunnamulla-Echo district. *Murri Views*, pg 19. N.D-Oct-04. Budjiti-Mardigan group.

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The Queensland Small Miners Council (QSMC) met in Winto on the 4th September 2004. The QSMC is the peak body and representative of many mining associations in Queensland. Issues discussed at the meeting included the removal of barriers caused by the introduction of the Native Title Act. *Western Sun*, pg 1. 6-Oct-04.

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A Memorandum of Understanding has recently been signed between the Waluwarra/Georgina River People and the Australian Agricultural Company. This agreement will allow the traditional custodians to exercise their rights as traditional owners of the land, and provide protection of culturally significant sites. Representatives of both groups met at Marmanya Waterhole near Urandangi, 320km south-west of Mount Isa for the signing. *North West Star*, pg 4. 11-Oct-04. Waluwarra/Georgina River People.

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The Wik and Wik Way people have signed a landmark agreement at Aurukun which will allow for co-existence with cattle families of western Cape York. The agreement will be the final chapter resulting from the historic Wik High Court decision in 1996. The final determination covers a further 12,530sq km and includes pastoral leases, deeds of grant in trust, Aboriginal land lease, unallocated state land and special leases. The land stretches from the Embley River south to Edward River and west of the Peninsula Development Road. *Cairns Post*, pg 8. 12-Oct-04. Wik and Wik Way People.

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Queensland Energy Resources Limited (QERL) have completed negotiations to establish an ILUA with the Gureng and

Gooreng Gooreng peoples in relation to the Stuart Shale Oil Plant. Senior traditional owner Tony Blackman said the agreement was a positive outcome, whilst QERL Chairman Ross Dunning stated the ILUA resulted from a great deal of hard work and a desire from all involved to achieve beneficial outcomes. *Gladstone Observer*, pg 3. 13-Oct-04. Gureng people and Gooreng Gooreng people.

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An ILUA has been signed between the Tagalaka people and the Croydon Shire Council. This agreement is significant because it includes native title consent for any roads the Council may wish to open in the future. The Council will also receive the security of a long lease for the Belmore Dam catchment, which is the towns water supply. In return, the Tagalaka people will receive dedicated dam-side camping facilities and right of access to the Croydon Airport to exercise traditional laws and customs. *North West Star*, pg 4. 20-Oct-04. Tagalaka people.

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The Queensland State Government has announced its intention to finalise five native title claims in the Torres Strait. The islands are Badu, Boigu, Yam, Erub and Ugar. These claims were set for Federal Court determination in September 2002 but disagreement over the impact of native title on public works halted the finalisation. The Federal Court is going to hold special sittings on each island in December to make final determinations. Don Banu from the Torres Strait Regional Authority stated the decision was a welcome step forward for the disappointment and frustration of the events two years ago. *Courier Mail*, pg 2. 25-Oct-04. Badu Island, Boigu Island, Yam Island, Erub Island & Ugar Island.

### **South Australia**

Aboriginal groups from the Far West coast have met to discuss the future of their native title claims and have agreed to form a united body. The groups which have amalgamated are Maralinga Tjarutja, Yalata, Mr Ted Rob-

erts, Mirning, Wirangu, Kokotha Munta and the Kokotha People. Executive Officer of ALRM, Native Title Unit, Mr Parry Agius said the amalgamation of the claims was a positive step forward and would benefit the people who live in the far west coast region. The amalgamated group is expected to be called the Far West Coast Native Title Group. *West Coast Sentinel*, pg 2. 02-Sep-04. Maralinga Tjarutja people, Yalata people, Mr Ted Roberts, Mirning people, Wirangu group, Kokotha Munta people and the Kokotha People.

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The Antakirinja, Kokotha Munta and the Ted Roberts family group met in Coober Pedy for the Antakirinja Land Management Aboriginal Corporation (ALMAC) annual general meeting. During the meeting an agreement was reached to absorb some of the overlapping groups into the larger Antakirinja native title claim. If this occurs, the current agreement between the Antakirinja People and the SA Chamber of Mines and Energy may be extended to incorporate the additional groups. *Coober Pedy Times*, pg 3. 09-Sep-04. Antakirinja native title claim.

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Two councillors from Kingston District Council have disagreed over seeking closer links with the Kungari Association. The council has decided to pursue a Memorandum of Understanding with the local Aboriginal group on heritage and other matters. This matter also relates closely to a current development in Rosetown, which is close to an Aboriginal burial ground. The decision to seek a Memorandum of Understanding follows the discovery of some bones on a road reserve at Rosetown more than a year ago. The remains were re-buried but prompted a review of the council's responsibilities under the Aboriginal Heritage Act. *South East Coastal Leader*, pg 2. 15-Sep-04. Kungari People.

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The Kurna People have lodged a native title claim over parts of St Kilda. This claim has stalled lease negotiations between Salisbury

Council and the boat club. The club has said it can not develop the site until the claim is resolved. Kurna-Yerta Heritage Board chair Lynette Crocker said progress was being made on the ILUA through on-going talks with the Council. *News Review Messenger*, pg 10. 27-Oct-04. Kurna people.

## Tasmania

A court case involving native title fishing rights was suspended until legal funding was finalised. The case involves Tasmanian Aboriginal and Torres Strait Islander Commissioner Rodney Dillion who is charged with unlawfully taking abalone and taking more than 10 abalone in a day. Mr Dillion plans to argue he has native title rights over the fish, which was taken from D'Entrecasteaux Channel, in southern Tasmania. *Herald Sun*, p 25. 28-Sep-04.

## Victoria

The Gunditjmara native title claim and parties continue to reach agreement. The claim involves 20,000 sq km of Crown land and waters across the south-west, including the shires of Glenelg, Moyne, Northern Grampians, Southern Grampians and west Wimmera., and covers an area stretching from Horsham to Yambuk and across to the South Australian border. *Warrnambool*, pg 9. 11-Sep-04. Gunditjmara claim.

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Museum Victoria has threatened legal action against the Dja Dja Wurrung Indigenous group after they refused to withdraw an 'emergency declaration' preventing three Aboriginal artefacts from being returned to British collections. The items include a ceremonial headdress and two bark etchings. These items were originally on loan from the British Museum and Royal Botanic Gardens in Kew, and were due to be returned after the *Etched on Bark* exhibition at Melbourne Museum in June. However, the Dja Dja Wurrung group who claim to be the traditional owners of the items, have prevented their return to Britain by obtaining an 'emergency declaration' under federal Aboriginal heritage

laws. *The Age*, pg 4. 22-Sep-04. Dja Dja Wur-rung group.

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Parties involved in claims in the north-west region of Victoria came together at Swan Hill to discuss a regional approach to solve native title issues. Indigenous groups included the Wadi Wadi people, Wamba Wamba people and the Barapa Barapa people. Attorney General Rob Hulls has also been informed of the proposal. It is hoped that an agreement can be made by March 2006. Solicitor Paul Simmons said the next phase would be for the State Government, developers and claimants to resolve issues preferably from a regional perspective. *Swan Hill Guardian*, pg 2. 11-Oct-04. Wadi Wadi people, Wamba Wamba people & Barapa Barapa people.

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The Miriuwung Gajerrong #4 native title claim is currently in notification. It covers an area that stretches from near Wyndham to the Northern Territory border and is approximately 6700 sq km. The claim does not overlap with any existing claims, but does have the same external boundary as the former Miriuwung Gajerrong #2 application which was discontinued in the Federal Court on July 16 this year. *Kimberley Echo*, pg 2. 16-Sep-04. Miriuwung Gajerrong #4.

### **Western Australia**

The Bardi and Jawi People Brue Reef claim is currently being notified by the National Native Title Tribunal (NNTT). The group is seeking legal recognition of their native title rights and interests. The area is over 0.74 sq km of Brue Reef, located approximately 50 km north of Cape Leveque. Any person who thinks they may have an interest in the claim has until the 21 December 2004 to apply to the Federal Court. *National Indigenous Times*, pg 14. 15-Sep-04. Bardi & Jawi & Brue Reef claim.

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The Karajarri Peoples have had their native title rights and interests recognised by the Federal Court. The group located south of

Broome was awarded rights over 5647 sq km of land, in an area of more than 30,000km. The claim stretches 140km to the south from Cape Latouche Treville, which is 50km south of Broome, to Anna Plains Station, and goes inland to the Great Sandy Desert. The area consists of various reserves, Shamrock Station, Nita Downs Station, a portion of Anna Plains Station and the land and water between the highest and lowest tides on the coast. *Broome Advertiser*, pg 1. 16-Sep-04. Karajarri native title claim.

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The Nanda people have recently signed an agreement with Gunson Resources. The agreement is in relation to a mineral sands mining operation. William Mallard of the Nanda people said that this is an outcome that makes sense of native title negotiations. He also stated that the financial, cultural and heritage agreement would benefit the whole of community and future generations. The Nanda people and Gunson Resources are also aiming to develop a cross-cultural education program to strengthen good relations. Gunson Resources managing director David Harley, said that his company were genuine about maintaining a solid and functioning relationship with the Nanda people. *Geraldton Guardian*, pg 39. 24-Sep-04. Nanda people.

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The Rubibi native title claim has been resumed in the Federal Court. Evidence is being presented by the Rubibi applicants advocating their continued occupation of reserves, unallocated and allocated Crown land and areas within the township of Broome. The next stage of the hearing will see the Rubibi applicant's lawyers and legal team representing respondent parties delving into areas of extinguishment. *Koori Mail*, pg 6. 6-Oct-04. Rubibi group, WC99/23, WG6006/98

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Kariyarra traditional owners recently signed a native title agreement with Range River Gold Pty Ltd and Bullion Minerals. This agreement will allow gold to be mined near Whim Creek. The Pilbara Native Title Service repre-

sented the Kariyarra People in negotiating the agreement which will include a commitment by the joint venture to train and employ Indigenous staff. The Kariyarra People are also expected to receive financial compensation. *North West Telegraph*, pg 6. 6-Oct-04. Kariyarra group

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More native title claims in Western Australia are expected to be resolved in the next few months as a result of the restructuring of the Western Australian Office of Native Title. Newly appointed executive director of the Western Australian Office of Native Title, Gary Hamley said it is 'full steam ahead' for native title in the west and the restructuring and creation of new positions should improve operational efficiency. Mr Hamley believes 2005 will be a productive year with many native title claims being settled through negotiation rather than litigation. *Koori Mail*, pg 55. 6-Oct-04.

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Construction of the Loopline Tourist Railway will begin by the end of October, with the service expected to be running by late January. Native title outcomes have been reached with the Widji People and the Loopline Railway Society has received a licence from the Environment Department granting permission to clear land needed for the track. *Kalgoorlie Miner*, pg 3. 14-Oct-04. Widji People.

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Nyoongar native title claimants have moved to combine 18 separate claims into one massive claim covering the entire south-west of Western Australia, including Perth. Claim group representatives met recently and decided to combine as one claim, which will be 194,000sq km in size. The claim covers land from north of Jurien Bay, through to Merredin in the east and south to Hopetoun. Native title cannot be granted over most of the claim, but possibly over some unallocated crown land, Aboriginal reserves, pastoral and agricultural leases. *West Australian*, pg 71. 16-Oct-04. Nyoongar people.

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Key amendments to the Western Australian Mining Act are expected to pass through State Parliament in the near future. The prime objective to this change in legislation is to process the backlog of approximately 5,000 mineral tenement applications. According to the Western Australian State Government, it is the most significant overhaul of laws governing mining in Western Australia for over 25 years. The amendments were developed in consultation with mining lobby groups and native title claimant representatives. *Business News*, pg 4. 28-Oct-04.

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The final court hearings for the Rubibi native title claim were held in Broome between the 27 September and 08 October. Justice Merkel heard evidence regarding the occupational and final submissions on extinguishment at the hearings, and will receive further written submissions before considering his decision. The claim covers the Thangoo and Roebuck Plains pastoral stations, and the Broome townsite over areas where native title is not already extinguished. The Rubibi case was first heard on the 12 May 2003. With the hearings now complete, the claim may obtain a resolution in the next year. *Broome Advertiser*, pg 8. 28-Oct-04. Rubibi native title claim.

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The Goldfields Land and Sea Council (GLSC) will be one of many groups to participate at the National Reconciliation Forum to be held in the Goldfields. As the official native title representative body for Western Australia's Goldfields region, the Council's role is to help advance the place of Indigenous people in the local community. Council executive director Brian Wyatt said that it was important to ensure Aboriginal people had faith in the organisations and services that were working with and for them. *Kalgoorlie Miner*, pg 15. 21-Sep-04.

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Perth based mining company Teck Cominco has lodged an application in anticipation to register an ILUA which may involve both the Kalkadoon and Mitakoodi People. The area of land is about 164.5sq km in size and is lo-

cated 57km north of Cloncurry. Teck Cominco exploration manager Australia, Ian Sandl said they have four tenements in the area, three of which have permits, and this

ILUA is over the fourth tenement. *North West Star*, pg 5. 22-Oct-04. Kalkadoon people and Mitakoodi people.

## APPLICATIONS LODGED

The National Native Title Tribunal posts summaries of applications that are lodged with them, on their website, <[www.nntt.gov.au](http://www.nntt.gov.au)>. The following lodgements are listed for September/October 2004.

### Claimant Applications

Date Filed	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.
29/09/04	Rubibi #17	WA	WC04/6	G223/04
14/10/04	Tableland Yidinji People #3	QLD	WC04/10	Q208/04
28/10/04	Wiluna #2	WA	WC04/7	W241/04

### Non-Claimant Applications

Date Filed	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.
20/09/04	Huskisson Bowling Club Ltd	NSW	NN04/9	N1367/04
20/09/04	James and Anomie Day	NSW	NN04/8	N1364/04

## REGISTRATION TEST DECISIONS

The National Native Title Tribunal posts summaries of registration test decisions at <[www.nntt.gov.au](http://www.nntt.gov.au)>. The following decisions are listed for September/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
02/09/04	Budjiti People	QLD	QC04/7	Q112/04	Accepted
23/09/04	Wulgurukaba #1	QLD	QC98/30	QG6221/98	Accepted
23/09/04	Wulgurukaba #2	QLD	QC98/30	QG6252/98	Accepted
27/09/04	Tjupan 2	WA	WC03/1	W6001/03	Not accepted
29/10/04	Rubibi #17	WA	WC04/6	W223/04	Not accepted