

sources already on the NTRU website, links to relevant material where it is available online, relevant cases and legislation. Current research resource pages include Yorta Yorta, Compensation, Croker Island and Miriwung-Gajerrong. Upcoming research pages are listed on the website and include Expert Evidence, International Law, Agreement Making, and Cultural Heritage.

ILUA's Summary

The new website also includes an Indigenous Land Use Agreement Table. The table summarises each ILUA and provides basic information about each agreement quickly and easily. The table provides information such as the date of the ILUA, the type of ILUA, and the subject matter of the ILUA (both based on the ATNS classifications and the NNTT). The table provides a useful overall picture of the different types of ILUAs that are being made both previously and currently.

Publications

The NTRU are hoping to increase the number of publications available online. Issues Papers and Newsletters are, and will continue to be, available online. Conference papers that were available on the previous website will still be available on the new website and the NTRU are trying to chase up papers from previous conferences as well. Native Title in the News, currently only a section of the Newsletter, will be available separately through the website so that native title stories in the media will be more readily available while they are still relevant and new. The Briefing Paper series is a new initiative of the NTRU and will be available online shortly. Briefing Papers are short one-page summaries

of work done within the NTRU. Briefing Papers are aimed primarily at NTRB staff who may not have the time to read an entire article but will be able to read the summary and follow up on the article if relevant to their work.

IFaMP

The new NTRU website links to the Indigenous Facilitation and Mediation Project (IFaMP) website - an extensive resource for information on mediation and dispute management. If you haven't already had a look at the IFaMP website, you should soon, it is available at www.aiatsis.gov.au/rsrch/ntru/ifamp/index.html.

Photos and Artwork

The photos of traditional country that appear on each page of the website were supplied by two Native Title Representative Bodies. We are in the process of contacting more NTRB's to see if they would like to provide photos of their traditional country for the website. The artwork used with the Native Title Research Unit text on each page of the website is *Tingari men travel from Marruwa going east*, by Warlimpirrnga Tjapaltjarri. This artwork (of which only a small part appears on the website) was part of the Native Title Business Exhibit, an exhibition of Indigenous art and its importance to native title. The NTRU hope that a virtual tour of the Native Title Business Exhibit will eventually be available through the NTRU website. In the meantime, visitors can see 16 of the artworks from the exhibit on the NTRB website - www.ntrb.net.

Have a look at the new NTRU website at www.aiatsis.gov.au/rsrch/ntru/index.html.

NATIVE TITLE IN THE NEWS

National

National Native Title Tribunal President Graeme Neate attended the 5th World Summit of Nobel Peace in Rome this year, which is now an annual event. At the Summit, Mr

Neate outlined the challenges and opportunities Australia faces to recognise and protect the rights of Indigenous Australians in relation to their traditional lands and waters. In summary, Mr Neate has said that Indigenous peoples rights to land was now part of the

legal and social landscape of the nation. He also stated that there was much to be done in Australia to recognise and protect Indigenous native title rights whilst still operating in the interests of governments, industries and the general public. *NNTT Media Release, pg 11.* 10-Nov-04.

National Indigenous council member and former Dubbo Deputy Mayor, Warren Mundine, has said the sale of native title land holdings would help secure economic freedom for the Aboriginal community. Mr Mundine further stated that the key to economic advancement for Aboriginal communities was locked up in native title land holdings, which could be selectively sold, and that in New South Wales alone, Indigenous people had up to \$2 billion worth of land. *Daily Liberal, pg 4.* 07-Dec-04.

At a special sitting of the Federal Court in Melbourne, Justice Anthony North has commented that the Tasmanian and Victorian Governments are making slow progress in relation to native title claims. A review will be conducted into 20 unresolved native title cases in his jurisdiction. Justice North pointed to the elaborate procedural requirements imposed by the State Governments in relation to proof of connection and a lack of willingness to adjust requirements of connection to the circumstances of the particular cases as contributors to the lack of progress. *Hobart Mercury, pg 11.* 08-Dec-04.

A Federal Court investigation into native title has revealed there are many unrealistic cases in the system which are cost in-effective. The report obtained under Freedom of Information, also stated that many Aboriginal witnesses did not understand the native title process, judges needed to adopt a more hands on approach to increase the chances of cases being ready to proceed to trial and that many claimants are seeking a Mabo style determination which includes exclusive possession, occupation, use and enjoyment of the land and waters and exclusive control over

entry, when the claimants needed to set more achievable targets. *The Australian, pg 6.* 16-Dec-04.

National Native Title Tribunal President Graeme Neate said that he was not aware of any support for a time limit on native title claims, despite fears that disputes were 'clogging' the Federal Court and were costly to taxpayers. Mr Neate further mentioned that it would be surprising to find any political party or interest group willing to support a sunset clause to reduce the cost of native title or revisit the Native Title Act. *Cairns Post, pg 20.* 23-Dec-04.

New South Wales

The NSW Land and Environment Court has recently overturned a decision which had allowed the destruction of Indigenous sites in relation to the Lake Cowal gold mine project. Canadian owned Barrick Gold and NSW Country Energy were ordered to consult with the traditional owners after the Court found that they had prevented a Wiradjuri elder from inspecting an area earmarked for a 115km electricity transmission line for the proposed mine. Wiradjuri elder Neville Williams lodged this complaint with the NSW Department of Environment and Conservation early this year. *Weekend Australian, pg 10.* 06-Nov-04. Wiradjuri people: NC02/3, N6002/02.

The potential development of the old Conrad mine south of Inverell may be back in operation soon ending a delay of more than 12 months. Malachite Resources NL managing director Garry Lowder said drilling and sampling could soon be underway again. Mr Lowder stated the long delay was not due to disagreement, but rather reflected the slow administration of the issue. *Inverell Times, pg 6.* 23-Nov-04. Githabul group.

A Court hearing on the South Coast of New South Wales may result in a native title right for Indigenous people to fish in accordance

with traditional customs without adhering to any fishing regulations or bag limits. The hearing in Narooma Local Court before magistrate Paul Lyon arose after eleven Indigenous people from the Mogo area were charged with a range of fisheries offences, including taking undersized abalone. The case is currently adjourned with a date to be advised at the Sutherland Local Court. The hearing will resume next year with the Crown and defence counsel presenting their submissions. *Sun Herald*, pg 57. 28-Nov-04.

The landmark court case against 11 Aboriginal men from the New South Wales south coast charged with mainly abalone offences may not be decided until mid 2005 according to magistrate Paul Lyon. The case which was concluded in Narooma last month started in Moruya more than 12 months ago. The men are charged with offences under the NSW Fisheries Management Act and following regulations. *Koori Mail*, pg 18. 15-Dec-04.

Northern Territory

The Northern Land Council recently held its 87th full Council meeting. At the meeting the Land Council stated it had endorsed a record number of agreements in Aboriginal land, with 44 separate proposals given the go-ahead to proceed across the top end of the Northern Territory. Significant agreements include a manganese mine agreement at Bootu Creek in the Barkly District, and a water easement project over the Kenbi land claim which will bring water to the Wagait Beach region in the Cox Peninsula near Darwin. *Koori Mail*, pg 58, 1-Dec-04.

Wagiman, Warai and Jawoyn native title groups have reached an agreement with Arafura Resources NL, which will allow the company to be granted a mining tenement, Mineral Lease 23839, over the Mt Porter gold deposit near Pine Creek in the Northern Territory. This outcome comes after 12 months of negotiation between Arafura and the Northern Land Council on behalf of the Indigenous groups. The agreement addresses

the concerns of the native title groups about Aboriginal site and heritage protection, employment opportunities, mine site rehabilitation and financial compensation once the mining commences. *NNTT Media Release*. 17-Dec-04. Wagiman, Warai and Jawoyn People.

Queensland

The Waluwarra people recently travelled to Urandangie to discuss the execution of a Memorandum of Understanding (MOU) with the Australian Agricultural Company (AAC). The land over which the agreement relates covers certain areas of the Georgina River south-west of Mount Isa. Waluwarra Elder Marlene Speechley said the agreement with the AAC was an exciting venture for her people. *Murri Views*, pg 14. n.d-Nov-04. Waluwarra People.

Mapoon Council, on behalf of the local community has strongly rejected claims made by traditional owner Mr Eddie Woodley, that it failed to act properly and legally in its use of community land, in particular the Community's Fishing Venture. The Council is reported to be saddened and baffled by the claims as they say Mr Woodley was involved in the process of establishing the Fishing Venture project as a Councillor. *Weipa Bulletin*, pg 4. 05-Nov-04. (Couldn't find).

The Queensland State Government has stated the native title process was creating jobs and training for Indigenous people in the State, in particular the north-west through agreements. This statement comes after Premier Peter Beattie visited Zinifex Century mine and meet with representatives of the Waanyi People. For example, Zinifex Century has employed approximately 100-120 Indigenous workers, which was around 20 per cent of total workers in their company. *North West Star*, pg 3. 10-Nov-04. Waanyi People.

Jason O'Brien, member for the Queensland electorate of Cook is pleased native title determinations in the Torres Strait will be made

by the end of the year. The Federal Court will visit the Torres Strait between the 7 -14 December for the making of consent determinations which will include the Kulkalgal People, Erubam Le People, Ugar People, People of Boigu and Yama Islanders/Tudulaig combined, Gebara Islanders/Badu Islanders. *Torres News*, pg 3. 10-Nov-04. Kulkalgal People: QC01/7, Q6006/01, Erubam Le People, Ugar People, People of Boigu and Yama Islanders/Tudulaig combined, Gebara Islanders: QC96/51, QG6066/98, Badu Islanders.

Torres Strait Islanders in north-eastern Queensland have finalised the remaining claims over their Island communities. On Erub (Darnley Island) in eastern Torres Strait Justice Richard Cooper of the Federal Court handed down one of seven consent determinations recognising the exclusive native title rights and interests of the Erubam Le people. This was followed by consent determinations over Ugar (Stephen Island), Boigu Island, Yam Island, Tudu Island and Badu Island, also recognising the exclusive native title rights of these communities. The native title claimants negotiated these agreements with the State Government and other parties including Telstra and Ergon Energy. *NNTT Media Release*. 08-Dec-04. Kulkalgal People, Erubam Le People, Ugar People, People of Boigu and Yama Islanders/Tudulaig combined, Gebara Islanders and Badu Islanders.

Two ILUA's located in the opal fields of south-west Queensland have been signed at a ceremony at Parliament House. The South-West Queensland Small Scale Mining ILUAs were a result of four years of negotiations including the Boonthamurra People, Budjiti People and Mardigan People and opal miners over the 50,000 sq km of opal-rich lands. *Western Sun*, pg 7. 17-Nov-04. Boonthamurra People, Budjiti People and Mardigan People.

Federal Attorney-General Philip Ruddock recently visited the Indigenous community of Yarrabah just outside of Cairns. The visit was to discuss issues such as native title, domestic

violence and justice with the Yarrabah community leaders. Mr Ruddock was made aware of the complexities of native title in the region due to four different claims over the land and numerous Indigenous families involved. *Cairns Post*, pg 2. 17-Dec-04. Far North Queensland region.

A native title claim in Far North Queensland involving the Djabugay people has been determined. The claim which is 2800ha in size and located 10km north-west of Cairns, became the first claim to be recognised over a Queensland national park. Justice Jeff Spender ended 10 years of negotiation by granting the Djabugay people non-exclusive possession of the World Heritage-listed Barron Gorge National Park. The Djabugay people have now called upon the State Government to create employment opportunities for Indigenous people as apart of the agreement. *Cairns Post*, pg 3. 18-Dec-04. Djabugay People v State of QLD: QC94/4, QG6002/98.

Plans to develop a parcel of land on Centenary Drive on Boyne Island have been put on hold indefinitely due to native title issues. Natural Resources and Mines regional manager Athol Backhouse said negotiations were under way with the traditional owners and the Gurang Land Council, the native title representative body in the region. Mr Backhouse further mentioned that if a resolution could be reached the land has the potential to provide housing market relief for the area. *Gladstone Observer*, pg 4. 20-Dec-04.

As of January 2005, Far Northern pastoral leaseholders who have a native title claim over their property are now required to have a native title agreement with the relevant Indigenous group in place before their tenure can be extended or upgraded under new rules. This is a result of the *Rural Leasehold Land Review*, the first review of the lease-hold land system in Queensland for 50 years. Queensland Natural Resources and Mines Minister Stephen Robertson has said the

changes should encourage those involved in the native title process to enter into Indigenous Land Use Agreements. *Cairns Post*, pg 20. 23-Dec-04.

South Australia

The first native title agreement negotiated by local governments and an Indigenous group in South Australia was recently signed in Maitland on the Yorke Peninsula after 20 months of negotiations. The ILUA involved four local councils, the Narungga people and the State Government and set out a process for planning infrastructure development and included a protocol for the protection of Aboriginal heritage. The agreement also recognises the Narungga People as the traditional owners of the Yorke Peninsula and provides a compensation package. *NNTT Media Release*. 3-Dec-04. Narungga people.

Up to 28 South Australian shire councils could join forces next year to negotiate a native title ILUA covering the length of Adelaide. The current Kurna claim covers an area from Port Pirie to Yankalilla. Local Government Association (LGA) spokesperson Chris Russell said a template for negotiating with the Kurna community would be developed based on the successful Yorke Peninsula negotiation. Consultations and briefings with councils on dealing with native title and the specific ILUA will be held early next year. *Eastern Courier Messenger*, pg 9. 21-Dec-04. Kurna Peoples Native Title Claim: SC00/1, S6001/00.

Victoria

The Wergaia people have labelled the Victorian Government's proposal of a waste dump on their lands as outrageous. The land, which is south of Mildura, near Raak Plain, is covered by two registered native title claims. Wergaia elder Florence Brabham said that the area needs to be preserved as the site was a place of significance. *Sunraysia Daily*, pg 3. 1-Nov-04. Latji Latji and Wergaia People: VC00/2, V6002/00.

The dispute over ownership of Aboriginal artefacts on loan from two British Museums, the British Museum and the Royal Botanic Gardens, is set for trial in the Federal Court on the 15 December. Museum Victoria had been due to return the items to the British Institutions by 30 September until they were prevented by a series of orders. The Dja Dja Wurrung native title group has laid claim to the artefacts. *Koori Mail*, pg 13. 17-Nov-04. Dja Dja Wurrung People.

Western Australia

The Rubibi People and the Western Australian Government have signed a native title agreement. The agreement will allow for a residential development of 33ha of land near Cable Beach in Broome to be underway and will grant the Rubibi People compensation for the extinguishment of native title over the area by a package of cultural, economic and social benefits. *Koori Mail*, pg 13. 17-Nov-04. Rubibi v The State of Western Australia: WAG6006/98.

The Western Australian State Government and the Miriuwung Gajerrong People signed a Memorandum of Understanding (MoU) in Kununurra. This agreement has been hailed as a major step forward for the development of the East Kimberley region. Under the MoU, native title and heritage issues over 65,000 hectares of land around Kununurra and Lake Argyle will be resolved and the land released for development. *Kimberley Echo*, pg 3. 18-Nov-04. Miriuwung Gajerrong People: WC04/4, W124/04.

The Walga Rock and Wilgie Mia mine site have been handed over to their traditional owners, the Wajarri People in a landmark agreement in Cue. The move is being recognised as a significant step forward for all Yamatji People. *Geraldton Guardian*, pg13. 19-Nov-04. Wajarri People.

Nickel miner Minara Resources is facing a legal claim of up to \$20 million by a group led by the Kalgoorlie based North-East Independent Body Indigenous Corporation for breach of agreement in relation to the development of the Murrin Murrin project. The deal was finalised in July 1998 when Minara Resources was known as Anaconda Nickel. It is alleged that under the agreement Minara Resources would commit \$1 million a year to an Indigenous trust from six months after mine production for the life of the mine. *West Australian*, pg 44. 03-Dec-04. North-East Independent Body.

Western Australian Deputy Premier Eric Ripper recently unveiled plans to streamline the native title process which will allow faster processing of mining tenement applications. This agreement reached between the State Government, the mining industry and native title claimants will mean Indigenous concerns will be handled up front which will reduce the number of objections lodged by native title parties. *Geraldton Guardian*, pg 5. 08-Dec-04.

A MoU has been signed between the Department of Indigenous Affairs (DIA), the Aboriginal Lands Trust (ALT) and the Yamatji Land and Sea Council (YLSC). The MoU will provide traditional owners in the Yamatji and Pilbara regions, through their representative bodies, the opportunity to have a stronger voice in relation to the process of land transfers when liaising with the DIA and the ALT. *Geraldton Guardian*, pg 9. 13-Dec-04.

Joyce Capewell has questioned the representation of the Nanda native title working group claiming her family was not consulted on the mining agreement made between Gunson Resources and the working group. The agreement was facilitated by the Yamatji Land and Sea Council (YLSC), who was not involved in the selection process for the working group. Ms Capewell said the Drage family was unaware of the agreement and

should have been involved as the family contained a number of the eldest living Nanda people. *Geraldton Guardian*, pg 5. 15-Dec-04. Nanda People: WC00/13, WG6136/98.

The re-opening of a Goldfields tourist icon, the Golden Mile Loophole Railway line has been delayed again, this time by Kalgoorlie MLA Matt Birney. Mr Birney halted the expansion by ordering the Railway Society to hold off on construction to allow an application for Federal Government funding. The project was previously held up due to native title and land clearing issues during October. *Kalgoorlie Miner*, pg 16. 18-Dec-04.

The nation's largest native title settlement located in the northern Goldfields region was recently finalised. Deputy Premier Eric Ripper made the announcement after the State Cabinet signed off on the Ngaanyatjarra Lands settlement agreement. The agreement incorporates six applications covering 187,641sq km, stretching from the Gibson Desert nature reserve to the South Australian border. The Ngaanyatjarra claim replaced the Gibson Desert, Baker Lake, Irrunytju-Papulankutja, Tingarri Tjina, Tjirrkali Kanpa and Warburton-Mantamaru claims and includes about 200 mining tenements. The agreement consists of both exclusive and non-exclusive possession. *Kalgoorlie Miner*, pg 3. 24-Dec-04. Ngaanyatjarra Lands settlement agreement.

Aboriginal activist Robert Bropho was not surprised the Federal Environment Minister rejected an appeal by the Nyungah Circle of Elders to cease development of the Champion Lakes Recreational Park, saying that the Federal Government follows suit in accordance with the State Governments submissions. The Nyungah Circle of Elders had appealed against the development saying it would affect the lakebed of Wright Lake and desecrate Aboriginal Spiritual dreaming. However, Planning and Infrastructure Minister Alannah MacTiernan said Federal Environment Minister Ian Campbell had rejected

the group's application because there was no evidence to support a determination of the area as having any particular significance to

Aboriginal culture as defined by legislation. *Canning Community*, pg 5. 28-Dec-04. Nyungah People.

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 November/December 2004.

Claimant Applications

Date Filed	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.
04/11/04	McKinlay River	NT	DC04/4	NTD21/04
24/11/04	Edith River	NT	DC04/3	NTD20/04
29/11/04	Gugu Badhun People #2	QLD	QC04/11	QUD244/04
03/12/04	West Ban Ban #2	NT	DC04/5	NTD24/04
07/12/04	Mrs Mirinda Avery-Slater & Ors	NSW	NC04/1	NSD1819/04
16/12/04	Walman Yawuru	WA	WC04/9	WAD285/04
16/12/04	Widi Binyardi	WA	WC04/8	WAD286/04
23/12/04	Olkola People #2	QLD	QC04/12	QUD1/05

Non-Claimant Applications

Date Filed	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.
08/11/04	Minister for Lands	NSW	NN04/10	NSD1627/04
09/11/04	Nowra Local Aboriginal Land Council	NSW	NN04/11	NSD1631/04
31/12/04	Peter Hillig as Administrator of Worimi Local Aboriginal Land Council	NSW	NN04/12	NSD1989/04

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 November/December. 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