

attendees to use the conference as a mechanism through which to set the Indigenous agenda on land issues and make recommendations to government.

To close, I encourage traditional owners and claimants to think about whether you want to be involved in the new arrangements. If so, then you must step forward and make this clearly known to government through the ICCs. The government's focus on developing SRAs *before* RPAs means that traditional owners need to be involved at the beginning of the process to ensure your particular goals are reflected, and concerns are addressed, in both mechanisms. Otherwise, traditional owners risk being marginalised in this new mode of Indigenous service delivery. My message in the *Native Title Report 2004* was that native title should not be closed off from other Indigenous policy initiatives that are directed at social and economic development for our communities. This was a message chiefly directed at government, but it is equally

important for native title claimants, traditional owners, PBCs, NTRBs and other native title stakeholders.

My office has made commitments to monitor the new arrangements and follow up problems with the government. We want to hear from you about how the new arrangements are working for you and how traditional owners are, or are not, being included in representative structures. We also want to know how native title is being dealt with in this new landscape - whether flexible, locally driven outcomes are reflected in how the government deals with native title issues. You can make comments on our new arrangements website or talk with me or my staff, Yvette and Sarah, over the coming days.

I wish you all the best of success at the conference and in achieving positive outcomes for you and your peoples, through the native title system.  
Thanks you

## NATIVE TITLE IN THE NEWS

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### National

This year's National Native Title Conference co-organised by The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) and the NSW Native Title Service will be in Coffs Harbour. Numerous Indigenous leaders from across the country are expected to attend and will include addresses from native title holders, claimants and researchers. The conference will commence with a smoking ceremony and dance performance by the local Gumbayngirr group. Senator Aden Ridgeway will conclude the conference by giving a keynote address on the economic impacts of native title. ABC Online, ATSI Online - Message Stick. 02-Jun-05.

### Northern Territory

Native title issues have been settled over 27 national parks and reserves in the Northern Territory, in the biggest simultaneous negotiations of Indigenous Land Use Agreements (ILUAs) in Australia. A total of 31 ILUAs will be negotiated paving the way for co-operative planning and co-management between Indigenous groups and the Northern Territory Government. The first four agreements will be notified by the National Native Title Tribunal during mid May by form of advertisement. NNTT Media Release. 17-May-05.

Four claims in the Northern Territory have been notified, calling for interested parties. The applications vary in size and are over land outside Katherine, Adelaide River, Alice Springs and 90 kilometres south-east of Darwin. The claim names are Edith River, McKinlay River, West Ban Ban #2 and South West Glen Helen. Closing date for responses is 31 August 2005. NNTT Media Release. 18-May-05. Edith River DC04/3, NTD20/04; McKinlay River DC04/4, NTD21/04; West Ban Ban #2 DC04/5, NTD24/04; South West Glen Helen DC05/1, NTD2/05.

## Queensland

The Western Queensland Wakka Wakka people have signed an agreement which will grant the Queensland Gas Company an exploration permit over 10,000 sq km of land and allow them to explore a coal seam. Group Spokeswoman for the Western Wakka Wakka Native Title applicant group Trish Hall said signing the agreement would allow Aboriginal people to participate in further deals and benefit from them. The agreement was signed under the Queensland Aboriginal Cultural Heritage Act 2003. Toowoomba Chronicle, pg 10. 14-May-05. Wakka Wakka People, contacted NNTT on 20Jun.

Badu and Duaun Islanders in the Torres Strait have negotiated ILUA's including the Department of Defence and the Australian Customs Service. These agreements will allow high-frequency surface wave radars to be situated on the Islands which will enable 24-hour wide-area surveillance of aircraft, ships and boats travelling in the Strait. The radar receiver will be situated on Duaun Island, whilst the transmitter will be located on Koey Ngurtai (Pumpkin) Island, administered by the nearby Badu Island, in the middle of the Torres Strait. Koori Mail, pg 27. 18-May-05. Pumpkin

Island (Koey Ngurtai) ILUA: QI2004/002; Dauan Island ILUA, QI2003/038.

The Gangalidda and Garawa Peoples have lodged a native title claim over almost 14,000 sq km of land in Queensland's north-west. The claim area extends from the Queensland/Northern Territory border to Burketown in the Gulf region. The claim falls within the local government areas of Burke Shire and Doomadgee Council and excludes private freehold land. The claim includes some areas of sea. Any person or organisation with an interest in the claim has until 14 September 2005 to apply to the Federal Court to become a party. North West Star, pg 7. 19-May-05. Gangalidda & Garawa People #2: QC05/3, QUD66/05.

Two native title applications near Cairns have reached notification. The Oikola People's application covers a 3,992 sq km area around 210 km north-west of Cairns and falls within the areas administered by the Cook and Mareeba Shire Councils. The claim includes the Pinnacle, King River and Kimba Pastoral Holdings and parts of the Mount Mulgrave and Yambo Pastoral Holdings. The second application is by the Western Yalanji People and covers a 753 sq km area around 160 km north-west of Cairns. The application falls within the area administered by the Cook Shire Council and comprises parts of the Palmerville and Mount Mulgrave Pastoral Holdings. Not all of the land and waters within the application's external boundaries are claimed. NNTT Media Release. 15-Jun-05. Oikola People & Western Yalanji People.

The Queensland South Representative Body (QSRB) based in Toowoomba has lost the funding and backing of the Federal Government. Indigenous Affairs Minister Amanda Vanstone said alternative

arrangements for a new native title body for the southern Queensland region were being put in place as a matter of priority. Toowoomba Chronicle, pg 3. 24-Jun-05.

## **South Australia**

The Full Court of the Federal Court yesterday overturned a 2002 decision by Justice Maurice O'Loughlin that the Yankunytjatjara People did not possess a spiritual connection with De Rose Hill Station. In the judgement, Justices Murray Wilcox, Ronald Sackville and Ronald Merkel said that the requirements of the Native Title Act had been satisfied. The court ruled that the group should be granted free access to the contested area, except for parts where improvements such as sheds, houses or airstrips have been constructed. Adelaide Advertiser, pg 26. Independent Weekly, pg 4. 09-Jun-05. De Rose Hill: SC 94/2, SAD6001/96.

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Two native title claims involving the Port Lincoln City Council have been referred to the National Native Title Tribunal for mediation. This is because the Kokotha Native Title Claim and Barngarla Native Title Claim have an overlapping boundary dispute. Once resolved, the aim to achieve Indigenous Land Use Agreements will continue. If the Tribunal is unable to resolve the dispute, the Federal Court will hear the dispute during late 2006 or early 2007. Port Lincoln Times, pg 6. 28-Jun-05. Kokotha Native Title Claim: SC99/2, SAD6013 and Barngarla Native Title Claim SC96/4, SAD6011/98.

## **Tasmania**

Lance LeSage on behalf of the Manegin People has withdrawn his native title claim originally lodged in September 2000 over 132 hectares of land at Sundown

Point. The group plan to re-lodge their claim in order to include a further 600 hectares of Crown land. The new claim will extend across Arthur Beach and in an easterly direction across Temma Road. Mr Le Sage stated that the State Government will face a compensation claim. Circular Head Chronicle, pg 1. Sundown Point Claim: TC00/1, TAD6001/00.

## **Victoria**

The Gunditjmara native title claim is not likely to be resolved before a directions hearing ordered by Justice Tony North for 08 June. This will see the claim enter litigation. In the interim, additional mediation meetings have taken place with all parties asserting that progress is being made. The area covers 20,000 sq km of land and waters from the South Australian border along the coast to Yambuk, past Hamilton in the north-east and to the southern perimeter of Casterton in the State's west. Not all of the area within the application's external boundaries are claimed. Portland Observer, pg 5. 09-May-05. Gournditch-Mara Claim: VC99/7, VID6004/98.

## **Western Australia**

A landmark native title ruling by the Federal Court has brought an end to almost 10 years of negotiations between two Pilbara Aboriginal groups and the Western Australian Government. Federal Court Justice Robert Nicholson was recently in Roebourne for the determination ceremony to finalise the claim involving the Ngarluma and Yindjibarndi peoples. The Court found both groups possessed non exclusive rights over parts of the 25,000 sq km claim area within the shires of Roebourne, Ashburton and East Pilbara. Pilbara News, pg 1. 04-May-05. Ngarluma/Injibandi Claim: WC99/14, WAD6017/96.

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The Amangu and Widi Binyardi native title claims in the mid-west of Western Australia are in notification. The Amangu People's application covers about 27,390 sq km of land and water near Geraldton and falls within the City of Geraldton and the Shire Councils of Carnamah, Chapman Valley, Greenough, Irwin, Mingenew, Morawa, Mullewa, Northampton, Perenjori, Three Springs and Yalgoo. The Widi Binyardi application covers approximately 27,290 sq km and sits about 100 km east of Geraldton. It extends from the towns of Pindar, Mingenew, Three Springs and Pithara in the west to the boundary of the Balimia People's native title application in the east. Those with an interest in the claim area have until 31 August 2005 to respond by writing to the District Registrar of the Federal Court. For further information contact the NNTT on freecall 1800 640 501. NNTT Media Release. 18-May-05. Amangu People WC04/2, W6002/04 & Widi Binyardi WC04/8 & WAD286/04.

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The Federal Court decision in relation to the Wongatha Native Title claim has been further delayed, and is not expected before 10 June 2005. The claim which was lodged more than a decade ago, covers approximately 160,000 sq km in the Goldfields region. A spokesman for the Federal Court said all parties involved had been informed that Justice Kevin Lindgren intended to publish his judgement on the eight native title claims involved in the Wongatha matter in instalments. The first 100 pages of the reasons for judgement will be made public on June 10 2005. Kalgoorlie Miner, p. 3. 26-May-05. Wongatha Claim: WC99/1, WAD6005/98.

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The Miriwung, Gidja, Wularr and Malignin People represented by the Kimberley Land Council have signed an ILUA with

Argyle Diamonds which is owned by Rio Tinto. The ILUA located in the East Kimberley region of Western Australia will provide employment along with other economic opportunities for the Indigenous groups. The agreement will allow for an underground mine at Argyle to be developed. NNTT Media Release. 08-Jun-05. Argyle Diamonds ILUA: WI2002/003.

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Federal Court Judge Robert French ruled broadly in favour of a native title determination for the Bardi and Jawi People. The outcome ended over 10 years of debate over the 1037 sq km of land at the northern end of Dampier Peninsula. The claim primarily comprises Aboriginal reserves and unallocated Crown Land and contains a 5.5 km sea boundary. Justice French ruled that the Bardi and Jawi People had exclusive rights to the whole of the mainland as well as the right to hunt turtle and dugong in waters in the claim area and to take pearl shell for cultural purposes. West Australian, pg 16. 11-Jun-05. Bardi Jawi Claim: WC95/48, WAD49/98.

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The Tjurabalan Native Title Aboriginal Land Corporation represented by the Kimberley Land Council has signed a landmark agreement with mining company Tanami Gold. The agreement covers mining and exploration over the 26,000 sq km of land located south-east of Halls Creek in Western Australia's Kimberley. Central to the agreement is a commitment to employment, training and business development opportunities for the Tjurabalan people. Koori Mail, pg 60. 15-Jun-05. Tjurabalan Claim: WC95/74, WAD160/97.

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Australia's largest native title settlement will be finalised during late June by Federal Court Chief Justice Michael Black. Justice Black will ratify the agreement in

an open-air Federal Court hearing in Jameson, about 120km north-east of Warburton. The 188,000 sq km region near the South Australian border encompasses six smaller claims and

represents about 250 holders. Sunday Times, pg 20. 26-Jun-05. The Ngaanyatjarra Lands Native Title Claim: WC04/3, WAD6004/04.

## APPLICATIONS LODGED

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The National Native Title Tribunal posts summaries on their website of applications that are lodged with them, [www.nntt.gov.au](http://www.nntt.gov.au). The following applications were lodged in May/June 2005.

### Claimant Applications

Date Filed	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.
01/06/05	Puutu Kunti Kurrama and Pinikura 2	WA	WC05/4	WAD126/05
27/06/05	Wondunna Clan, Badjala People	QLD	QC05/10	QUD169/05

### Non-Claimant Applications

Date Filed	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.
23/06/05	The Council of the City of Shoalhaven	NSW	NN05/10	NSD1037/05

## REGISTRATION TEST DECISIONS

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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 May/June 2005. 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
05/05/05	Wiluna #2	WA	WC04/7-1	W241/04	Not Accepted
10/05/05	Ballardong People	WA	WC00/7-1	WG6181/98	Not Accepted
11/05/05	Napperby	NT	DC05/3-1	NTD6/05	Accepted
11/05/05	Mount Doreen	NT	DC05/2-1	NTD5/05	Accepted