

Visit by Nunavut Sivuniksavut

On Tuesday 9 May AIATSIS was visited by the Nunavut Sivuniksavut student group from the new territory of Nunavut in Canada. The 18 students and 3 instructors showed a short video and discussed issues of cultural maintenance and survival with Institute staff. The students are enrolled in a special tertiary program based in Ottawa. They have studied their own history (colonisation and de-colonisation), contemporary Inuit organisations and issues, the efforts of their leaders to negotiate the largest land rights settlement in Canada, and the creation of the new political territory of Nunavut. The program, called Nunavut Sivuniksavut ('Nunavut is our future') is sponsored by various Inuit organisations and the Canadian government. More information about Nunavut can be found at <http://www.gov.nu.ca/>

The students illustrated their language and writing by providing us with a translation of our names and the name of the Institute:

Aastuailijan pilirijii t nunaqaqaatunut amma Tuuris Qikiktani Ilinniaqtut
Australian Institute of Aboriginal and Torres Strait Islander Studies

NATIVE TITLE IN THE NEWS - MAY & JUNE 2000

National

The Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund has tabled its 16th report in Parliament. The inquiry required the Committee to consider whether the amended *Native Title Act 1993* is inconsistent with Australia's obligations under the United Nations Convention on the Elimination of All Forms of Racial Discrimination (CERD). The report concluded that the Native Title Act is not racially discriminatory. (*Media Release, 28 June*)* (see report page 4)

New South Wales

Five new members have been appointed to the National Native Title Tribunal in New South Wales. Ms Jennifer Stuckey-Clarke, Dr Gaye Sculthorpe and Ms Ruth Wade have been appointed as part-time members and Mr John Sosso and Mr Bardy McFarlane have been appointed as full-time members. (*NTN NSW, June 2000, p1*)

On 29 April 2000 eligible bodies were invited to apply for recognition as the Native Title Representative Bodies for the New South Wales, Australian Capital Territory and Jervis Bay areas. This is the second invitation issued in relation to New South Wales. There are currently no representative bodies for the ACT and Jervis Bay areas. The closing date for applications was 30 May 2000. (*NTN NSW, June 2000, p4*)

New South Wales Minister for Aboriginal Affairs, Dr Andrew Refshauge, has released a Discussion Paper for the Review of the *Aboriginal Land Rights Act 1983*. The paper aims to facilitate discussion on the future direction for Aboriginal Land Councils in NSW and on whether the current Act meets the needs, both current and future, of Aboriginal communities. Copies of the discussion paper are available from the Department of Aboriginal Affairs on 02 9290 8700 or from the website at: www.daa.nsw.gov.au (*NTN NSW, June 2000, p4*)

The deeds and title to a former traditional camping ground, 'Bulgandramine' at Peak Hill in western New South Wales, have been handed back to the Bogan River Wiradjuri people by the Indigenous Land Corporation. (*Koori Mail, 28 June, p19*)*

Queensland

The Gurubana Gunggandji people of Yarrabah in far north Queensland, who have native title claims on about 840 square kilometres of the Great Barrier Reef, can now lodge a complaint against tourism companies or commercial fishermen if they believe their activities are harming the Reef. This follows a successful appeal in the Federal Court. The Gurubana Gunggandji claimed that the Great Barrier Reef Marine Park Authority was permitting tourism operators and others to use sections of the Reef without consulting native title holders. (*Aus, 12 May, p6*)

Carpentaria Land Council has been recognised as the Native Title Representative Body for the Queensland west area. The area covered by the Land Council has been increased to include, as well as its original area, an area roughly from Mt Isa to the border with South Australia and from the Northern Territory border east to around Julia Creek. The announcement was made by Aboriginal and Torres Strait Islander Affairs Minister John Herron. Senator Herron stated that the recognition process was continuing for the Far North, Central and Southern areas of Queensland. (*Koori Mail, 14 June, p10*)

Queensland's native title legislation has been approved by the Federal Attorney General. The legislation now must be approved by the Senate. The Australian Democrats have formally moved to oppose the legislation on the basis that it does not represent mutually acceptable outcomes for all parties. Senator Woodley, Democrats' Indigenous Affairs spokesman, stated 'So far it appears that State governments are attempting to use State native title regimes based on the Wik legislation to water down native title rights. Reducing native title rights will not promote prosperity and racial harmony. We can only proceed with real reconciliation by recognising the legitimate rights of native title holders and proceeding in good faith on that basis.' (*Koori Mail, 28 June, p4*)*

The Koa people's native title application over the Castle Hill Pastoral Holding and the Bladensburg National Park in the Shire of Winton has entered the notification period. Landholders and other interest holders have three months to register as parties to the application and to be part of the mediation process. The application was lodged on 24 May 1999 in response to a non-claimant application made over the Castle Hill Pastoral Holding by the leaseholder. (*NNTT Media Release, 28 June 2000*)

The notification period for the Western Yalanji People's application #2 [QC98/39] covering two lots south of Laura and south-west of Cooktown has closed. The Federal Court is assessing the applications to become a party. (*NTN Qld, June 2000, p3*)

The notification period for the Birri Gubba people's application [QC97/19] has closed. The application covers the Cape Upstart National Park in North Queensland. The NNTT is waiting the finalised party application details from the Federal Court. (*NTN Qld, June 2000, p3*)

South Australia

A protest was held at South Australia's Parliament House against the State Government's proposed native title legislation. Protesters called on state MPs to reject the legislation which they say will extinguish areas of native title. (*Age, 1 May, p4*)

The South Australian State Government is seeking a court ruling that native title was extinguished 2 years before white settlement in the State. In the Yangkuntjatjarra People's De Rose Hill native title claim, before the Federal Court, the State is arguing that the Colonisation Act, passed by the British

Parliament in 1834, extinguished all Aboriginal claims to land. De Rose Hill is a pastoral lease that straddles the Stuart Highway, 80 kilometres south of the Northern Territory border east of the Pitjantjatjara lands. (*Age, 29 May, p4*)*

Western Australia

Independent MLC Mark Nevill, who resigned from the State ALP last year, has taken up a petition to have the Senate support passage of the *Native Title (State Provisions) Act 1999* to set up a State Native Title Commission. The petition asks that ALP members in the Western Australian Parliament support a State-based Native Title Commission to deal with future Acts and a right-to-negotiate regime over non-exclusive possession leases such as pastoral leases. Western Australian Opposition leader Geoff Gallop and Kalgoorlie MLA Megan Anwyl are encouraging the Federal ALP to disallow the State native title legislation in the Senate. (*KM, 2 May, p5*)*

The National Native Title Tribunal began notification of 11 new and amended native title applications in regional Western Australia. Advertisements have been placed in newspapers giving landholders and other interest holders three months to register as parties if they want to join in the mediation. The applications cover land, inland waters and some areas of sea in the Pilbara, Kimberley, Gascoyne, Mid West and Goldfields and all exclude private freehold land which is not claimable. (*NNTT Media Release, 17 May*)

The Widji native title claim, covering an area from Widgiemooltha to Ora Banda, including Kambalda, Kalgoorlie-Boulder and Coolgardie, has entered the notification period. Stakeholders have three months to register their interest in the Goldfields native title claim. (*KM, 18 May, p3*)

The Federal Court in Sydney has dismissed an appeal against a native title claim in Western Australia. The WA Government appealed against an earlier ruling that allowed the Maduwongga claim to pass the native title registration test. (*ABC News, 19 May 2000*)

Members of the Purnululu Aboriginal Corporation representing 400 native title claimants in the east Kimberley have accused the Western Australian Government of backing out of a binding legal agreement to allow them to live in their customary homeland. The Corporation members protested when State Environment Minister Cheryl Edwardes visited the Purnululu National Park to open a tourist centre. Mrs Edwardes said that joint Aboriginal-CALM management of the National Park had been delayed because of differences

between the Purnululu People and Mindi Mindi People who also claim to speak for the park. *(WA, 19 May, p13)*

A temporary campsite is to be established on Yarri Road in Kalgoorlie, for visitors from the Western Desert region. The camp development has been approved by native title parties and mining tenement holders. *(KM, 25 May, p7)*

The Western Australian Government has spent more the \$16 million on native title litigation in the last seven years. Premier Richard Court said that the fault is with the unworkability of the Federal native title laws. *(WA, 27 May, p59)*

National Native Title Tribunal President Graeme Neate stated the while other States had 'embraced mediation' the Western Australian State Government had 'been reluctant'. Western Australia has only one claim that has come close to a mediated outcome and no Indigenous Land Use Agreements have been registered. New South Wales has resolved two claims under mediation, Queensland has resolved four claims under mediation and six Indigenous Land Use Agreements have been registered in New South Wales, Queensland and Victoria. Mr Neate stated that mediation in Western Australia is difficult due to the number of overlapping claims. *(WA, 2 June, p14)*

The National Native Title Tribunal has contacted residential, commercial and community purpose leaseholders in the Goldfields area to reassure them that their leases will not be affected by the Widji native title application. Mr Andrew Jagers, NNTT State Manager, said that the tenure information obtained from the State Government for the Widji application did not identify or exclude such leases so the Tribunal took a cautious approach and 'notified everyone'. There is now greater precision in identifying specific lease types and the Tribunal will not be notifying these people in the future stated, Mr Jagers. *(NNTT Media Release, 7 June)*

Three Native Title Representative Bodies have been recognised in Western Australia. The Kimberley Land Council has been recognised for the Kimberley Area, the Yamatji Land and Sea Council for the Geraldton area and the Ngaanyatjarra Council for the Central Desert area. The announcement was made by Aboriginal and Torres Strait Islander Affairs Minister John Herron. Senator Herron stated that the recognition process was continuing for the Pilbara, Goldfields and South West areas. *(Koori Mail, 14 June, p10)**

The land manager of Delta Gold, a major Goldfields mining company, stated at a native title conference in Kalgoorlie-Boulder that a regional agreement would free native title stakeholders from ongoing negotiations over future Act matters. He said the right to negotiate process had encouraged claimants and companies to seek simple, quick solutions to their needs. Keynote speaker at the conference, Pat Dodson, stated that reaching an agreement at a regional level was crucial for land use but there also had to be 'certainty and security for Aboriginal people'. (*KM, 17 June, p3*)

The Western Australian Association of Mining and Exploration Companies have welcomed a move by the State Government to process a backlog of mining and exploration lease applications. Mining applications will therefore not have to go through Federal or State native title legislation stated Premier Richard Court. The action was based on the Full Federal Court decision in the Miriuwung-Gajerrong appeal case which ruled that native title had been extinguished over most of the land, including the Argyle and Ord River regions said Mr Court. An appeal to the High Court has been lodged against the decision. 'As the law currently stands, native title in Western Australia has been extinguished by enclosed and/or improved pastoral leases or parts of leases and mining and general purpose leases granted under the *Mining Act 1978*,' Mr Court said. (*KM, 19 June, p3*)*

The Federal Court has begun hearing a native title application over 27,000 square kilometres of land south of Broome. The Karajarri people's claim covers land from the south Kimberley coast into the Great Sandy Desert. (*WA, 20 June, p29*)*

Northern Territory

The Dungalaba Clan's native title claim over approximately 18 square kilometres of land in and around the East Arm Port has entered the notification stage. Interested parties now have three months to lodge their application with the Federal Court. (*Northern Territory News, 4 May, p6*)

Nearly 8,000 hectares of the Rockhampton Downs cattle station, 100 kilometres north east of Tennant Creek, have been handed back to the Warumungu traditional owners. (*Ad, 14 June, p15*)