



# Native Title Research Unit

See also : the [Native Title Research Unit page](#)  
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## NATIVE TITLE NEWSLETTER

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No. 5/96

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### Contents

#### Current news

[Amendments to the Native Title Act](#)

[Annual Report by Aboriginal and Torres Strait Islander Social  
Justice Commissioner](#)

[NTRU Newsletter on Internet](#)

[New NTRU Publication on Native Title over Offshore Areas](#)

[Aboriginal Land Tenure Course](#)

[20th Anniversary Land Rights Conference](#)

[Other Celebrations to mark the 20th Anniversary](#)

[Native Title in the News](#) : Reports about Native Title Issues in  
Australian media

#### Land claims

##### NSW

[Evans Head : Bundjalung](#)

[Nelson Bay](#)

##### Victoria

[Gournditch-mara](#)

##### WA

[Miriuwung Gajerrong Claim](#)

##### NT

[Miriuwung Gajerrong Claim](#)

#### Native Title Amendments

[Mining and natural resources](#)

#### National

##### NT

##### WA

[D'Entrecasteaux](#)

[Queensland](#)

[Century Zinc : Waanyi](#)

[Allgas Pipeline - Brisbane : Gungarri](#)

## **General Native Title issues**

[National](#)

[NSW](#)

[Queensland](#)

[General](#)

[Cape York](#)

[Hinchinbrook](#)

[WA](#)

[General](#)

[WA Pastoralists and Graziers Association](#)

[NT](#)

[NT Railway](#)

[NT sea claims](#)

## **Recent publications**

**[New NTRU publication](#)**

**[Have your say! - Reader Survey](#)**

[Go back to contents](#)

# **NATIVE TITLE NEWS OF AUGUST~SEPTEMBER 1996**

A hiatus in staffing over October and early November due to the return of Paul Burke to ATSIC and a physical relocation within AIATSIS have meant that we are a little late in getting this fifth Native Title Newsletter for 1996 to press. Paul's legal expertise and proficiency with producing the Newsletter will be greatly missed. Christine Watson, who worked in NTRU earlier in the year, has been reappointed to help to get the Unit functioning again. Please note our new telephone and fax number.

[Go back to contents](#)

## **1. Amendments to the Native Title Act**

Council for Aboriginal Reconciliation talks between Aboriginal organisations, pastoralists, and mining industry bodies to try to negotiate an agreed position on the Government's proposed amendments to the NTA broke down in early September. The parties were instead to make independent submissions to Government on their preferred options.

As we go to press, a 30 page report on the Government's proposed amendments has been released by ATSIC (26th November). This report can be obtained either from Martin Freckman of the Office of Public Affairs; from Di Myer of the Native Title and Land Rights Branch of ATSIC, at GPO Box 17, Woden, ACT 2606 (tel (06) 289 1222), OR from your local State or Regional office of ATSIC. Issues of substance

concerning the amendments can be discussed with the Manager of the Policy and Legislation Section of the Native Title and Land Rights Branch in Canberra.

[Go back to contents](#)

## **2. Annual Report by Aboriginal and Torres Strait Islander Social Justice Commissioner**

( with thanks to The Australian of 19 September) In his annual report, Mick Dodson criticised the Government's proposed amendments to the Native Title Act, as undermining the rights of native title holders by allowing pastoral leaseholders to expand the use of their leases for other purposes. In this strongly worded statement, he said that the proposals would strip Aboriginal people of their common law rights, breach international human rights standards and contravene the *Racial Discrimination Act*. Mr Dodson warned that Australia would face long, expensive and bitter legal battles, and stalling on mining and pastoral developments if the Government's proposed changes went ahead. He also criticised the Government's proposals to remove the right to negotiate from exploration and prospecting titles, to allow Ministerial intervention prior to determination of claims, to make the right to negotiate a once-only process, and to reduce the time for arbitration. Mr Dodson said that the Government's position fails to recognise that the best foundation for certainty in land use lies in agreement, and in this way jeopardises the prospect of a streamlined and workable land claim process. Mr Dodson did however indicate his support for several aspects of the proposed amendments to do with the transfer of claims to the Federal Court, the preparation of mediation reports by the National Native Title Tribunal, and the appointment of mediators.

[Go back to contents](#)

## **3. NTRU Newsletter here on the Internet**

Since issue 4 this year the NTRU has enlisted the help of David Nathan of AIATSIS' Research Section to make the Newsletter available through the Internet. You can read it on-line or print your own copy. Response from readers to this new service has so far been very positive. Please [let us know](#) what you think of either version of the newsletter.

[Go back to contents](#)

## **4. New NTRU Publication on Native Title over Offshore Areas**

The new NTRU publication, *A Sea Change in Land Rights Law: The Extension of Native Title to Australia's Offshore Areas*, by Gary Meyers, Malcolm O'Dell, Guy Wright and Simone Muller, is now available. The volume is priced at \$12.95 including postage, and can be ordered from Aboriginal Studies Press, phone (06) 246 1191, or fax (06) 249 7310.

[Go back to contents](#)

## 5. Aboriginal Land Tenure Course

The Department of Anthropology at the University of Adelaide has recently announced that it will be running a two-week course in Aboriginal land tenure. The course will be run by Dr Peter Sutton, who has wide experience of assisting with Aboriginal land claims as a consulting anthropologist. The course is composed of two modules, February 3-8 1997 and February 10-12. The course aims to introduce students to core aspects of Aboriginal land tenure systems, and to some of the technical anthropological concepts involved in interpreting them in a legal context. There will also be time set aside for specific discussion of issues arising from the encounter between Aboriginal land relationships and legislation such as the *Native Title Act 1993* (Cwlth), *Aboriginal Land Act 1991* (Qld) and the *Aboriginal Land Rights (NT) Act 1976*.

Information on fees and registration for the course may be obtained from the Department of Anthropology, University of Adelaide, SA 5005, Tel: (08) 8303 5730, Fax: 303 5733, e-mail <csolly@arts.adelaide.edu.au>.

[Go back to contents](#)

## 6. 20th Anniversary Land Rights Conference

On 16 and 17 August, over 400 people gathered at Old Parliament House in Canberra to take part in a conference to mark the twentieth anniversary of the *Aboriginal Land Rights (Northern Territory) Act 1976*. Most appropriately, the conference was jointly organised by the Northern and Central Land Councils and brought together many of those - Aboriginal people, anthropologists, lawyers, politicians - who played a role in bringing about the development and passing of the Act and its subsequent implementation. Warm recognition by the participants was given especially to Mr Gough Whitlam, who commissioned the work that provided the basis for the Act, and Sir Edward Woodward, who provided the report that was then accepted and implemented by the Fraser Government. As well as the plenary sessions that reviewed the past and looked towards the future, other conference sessions addressed the issues of Aboriginal economic development, constitutional reform, sea rights, international perspectives on land rights, regional agreements, intellectual property rights, women and land, the still dispossessed, and industry perspectives. The closing address was given by Ms Lois O'Donoghue as one of her last official speeches as the Chairperson of ATSIC, and received a standing ovation.

The conference proceedings are published as *Land Rights, Past, Present and Future* and are available from the Northern and Central Land Councils, PO Box 42921, Casuarina, NT 0811.

[Go back to contents](#)

## 7. Other Celebrations to mark the 20th

## Anniversary

The Gurindji people welcomed Mr Whitlam back to Wave Hill, where in 1975 he poured a handful of soil from the Daguragu country into the hands of Vincent Lingiari, the then leader of the Gurindji. 21 years later Mr Lingiari's son welcomed him back to mark the anniversary of the walk off (*WAus*, 24 August, p1 ).

Finally, Yothu Yindi headed a big sporting and cultural festival, Densing Langa Kantri (Dancing for Country) in Darwin and Alice Springs in early October to celebrate 20 years of the recognition of land rights (*SMH*, 17 September, p2 ).

[Go back to contents](#)

## NATIVE TITLE IN THE NEWS

(Note: Where an item also appears in other newspapers, etc, an asterisk (\*) will be used. People are invited to contact the Native Title Research Unit at AIATSIS if they want the additional references. As usual, NTRU will try to provide people with copies of particular newspaper articles on request.)

*Aus* = Australian  
*Ad* = Advertiser (SA)  
*CM* = Courier Mail (QLD)  
*CP* = Cairns Post  
*CT* = Canberra Times  
*Fin R* = Financial Review  
*HS* = Herald Sun (VIC)  
*Mer* = Hobart Mercury  
*LE* = Launceston Examiner  
*NTN* = Northern Territory News  
*SMH* = Sydney Morning Herald  
*Tel M* = Telegraph Mirror (NSW)  
*WA* = West Australian  
*WAus* = Weekend Australian  
*KM* = Kalgoorlie Miner

[Go back to contents](#)

## Land claims

### NSW

#### **Evans Head: Bundjalung: [NNTT Ref #NC 96/16]**

The Federal Government brokered a four-day halt to the Iron Gates housing development at Evans Head which opponents claim is destroying Aboriginal sacred sites and protected wildlife. The 100ha site fronts the Evans River between the Broadwater and Bundjalung National Parks. The developer has an existing permission to build 600 homes on the area which Aboriginal people say holds shell middens, scar trees, and a massacre site.

A portion of the area is under native title claim by the Bundjalung people (*SMH, 3 August, p 4* ).\*

[Go back to contents](#)

## **Nelson Bay**

The Nelson Bay Shire Council proposed the funding a new tourist attraction in the Port Stephens area called the Port Waterslide. Native title claims exist in the area, and the Council advised the Department of Land and Water Conservation that it had no objection to the granting of several of these claims - except in those areas that were already designated reserves for public recreation (*Newcastle Herald, 6 August, p 4* ).

[Go back to contents](#)

## **Victoria**

### **Gournditch-mara: [NNTT Ref #VC 96/3]**

A claim was lodged by the Gournditch-mara, for an area of crown lands and waters between Ararat, Warrnambool, the SA border and including the Gaiwerd Grampians National Park. The claim is the fifth to be lodged with the NNTT; to date only two claims have been accepted for determination by the Tribunal (*The Age, 3 September, p 3* ).

[Go back to contents](#)

## **WA**

### **Mirriuwung Gajerrong Claim [NNTT Ref #WC 94/2]**

A new spirit of conciliation between State Government officials and key Aboriginal groups made the resolution of native title issues over Stage Two of the Ord River Irrigation Area a more realistic possibility. In June a landmark agreement was signed between the WA Government and Mirriuwung Gajerrong establishing a framework for future negotiations over land claims in the area (*Fin R, 6 September, p27* ).

The Mirriuwung Gajerrong agreed to allow a heritage survey process involving hydro-geological drilling work in exchange for security of tenure for nine Aboriginal communities occupying 50,000 ha of bush in the north-east Kimberley. Their native title claim was suspended while further talks were held on a social benefits package for Aborigines (*WA, 10 September* ).

Objections from the Mirriuwung and Gadjerrong Families Heritage Council forced Telstra to rethink its plan to place a mobile net tower on Kelly's Knob overlooking Kununurra (*Sunday Times WA, 15 September, p 16* ).

[Go back to contents](#)

## **NT**

## Miriuwung Gajerrong Claim [NNTT Ref #WC 94/2]

An area on Spirit Hills pastoral lease containing the archaeological site at the centre of the recent debate over the length of human occupation of Australia will be excised as a national park. NT Chief Minister Stone said that this area would be added to the Keep River National Park on the NT/WA border. This land is subject to the Miriuwung Gajerrong native title claim, in a region currently controlled by the NT Development Corporation (*Aus, 23 September, p5* )

[Go back to contents](#)

## NATIVE TITLE AMENDMENTS

Talks organised by the Council for Aboriginal Reconciliation between indigenous groups, pastoralists and miners broke down on 2 September. It is understood that the negotiations disagreed on key issues:

1. The role of native title representative bodies in the native title process.
2. Which parties could initiate and then exercise the right to negotiate, and when: ie at what stage of development of a mine.
3. The threshold test that indigenous claimants must pass before being permitted to make a legal native title claim.
4. How the groups would best negotiate outside the Native Title Act, and the native title process.

Aboriginal groups rejected any change to existing arrangements under which they can trigger negotiations at any stage of mining, and pushed for an exclusive role for representative bodies in negotiating on behalf of Aboriginal owners. Regarding a threshold test, Aboriginal groups favoured the less stringent test proposed by the previous government, and resisted the Government's plan for Aboriginal groups to have to prove, prima facie, before the Federal Court, that native title existed before they were able to pursue a claim (*CT, 3 September, p 2* )\*.

Financial Review coverage of the issue presents industry's proposals for a 'second stream' of voluntary agreements outside the formal native title process as a way of individuals making claims and preventing individual Aboriginals from launching court challenges against decisions reached by land councils. Indigenous negotiators resisted this argument, saying that the 'second stream' would allow industry to reach agreements with individuals, without guarantees that they were the correct, or only, native title holders (*FinR, 3 September, p2* ).

In a media release issued on 6 September, members of the National Indigenous Working Group on Native Title rejected any attempt to amend the NTA 1993 in a way that threatens the rights of Aboriginal and Torres Strait Islander people. The group said that Aboriginal people will oppose any attempt to interfere with their rights, by litigation for injunctions under the common law, proceedings based under the *Racial Discrimination Act 1975* and political action at a national and international level. The NIWG rejects allegations of the Act's unworkability as manufactured, believing that the major threat to the workability of the NTA is the intransigent attitude of State and Territory Governments.

Speaking at the Liberal Party State Conference, Prime Minister John Howard said the NTA needed to be reformed to make it more workable for miners, indigenous people, pastoralists and governments. Premier Richard Court told the conference 69% of WA land was now covered by native title claims and the federal legislation was holding up development in the State, for example the Ord River irrigation scheme (*WA, 9 September, p5*).

[Go back to contents](#)

## **MINING AND NATURAL RESOURCES**

### **National**

The Commonwealth Minister for Resources and Energy, Senator Parer, stated that the Federal Government will view mining projects as viable unless proved otherwise. He promised to expand access to land for exploration and mining, as well as "improving the workability of the Native Title Act" (*SMH, 14 September, p3* )

The Federal Court is to determine whether all exploration companies will need to negotiate with Aborigines before conducting exploration on mainland Australia. The West Australian court has appealed to the Federal Court against the NNTT decision not to approve expected procedures for 7 small oil exploration companies. Under the NTA, companies undertaking off shore exploration do not need to negotiate with potential Aboriginal title claimants, but on shore exploration is covered by the legislation. The Court is expected to hear the case before the end of the year (*Aus 23 September, p 34* ).

[Go back to contents](#)

### **NT**

An historic agreement between the Central Land Council and the Yuendumu Mining Company will allow YMC, Australia's first Aboriginal mining company, to explore for gold on Aboriginal land without assistance from other mining companies. The agreement covers three exploration licences in the Highland rocks area of the Tanami Desert and involves more than 1000 sq kms (*NTN, 4 August, p4* ).

The biggest mining deal yet signed by Aborigines, an 8 year contract worth \$166m, was signed in the Top End between Pegasus Mt Todd Gold Mine and Mirrwork Joint Venture. Mt Todd is 40 kms north of Katherine (*NTN, 4 September, p15* ). Negotiations over the fate of Jabiluka uranium body have resulted in an agreement by Energy Resources of Australia (ERA) to help finance a Kakadu regional social impact study as well as an environmental impact statement for the development of the mine (*WAus, 7 September, p60* ).

Adelaide Resources announced it signed a first agreement with local Aborigines in relation to exploration in the Tanami Desert. The Mt Solitaire joint venture is located on freehold Aboriginal land between 80 and 120 kms south-east of NFM'S Granites mine (*Ad, 24 September* ).



[Go back to contents](#)

## WA

### D'Entrecasteaux

The WA State Government is allowing mineral sands mining in the D'Entrecasteaux National Park, despite protests that no efficient environmental impact studies have been done, or that the site is the only underwater pre-history site in Australia. The State plans to use legislative means to change the class of the land to allow mining (*WA, 8 August, p38* ).

The Senate subsequently condemned the Court Government's move to excise 368 ha of the National Park for mining by Japanese owned Cable Sands. The South-Western Coalition of Aboriginal Corporations and Custodians of Traditional Lands has lodged a native title claim over the area. State Mines Minister, Kevin Minson, said that Cable Sands would have to satisfy the Environmental Protection Authority that the value of Lake Jasper would not be damaged before the project could be approved (*WA, 13 September, p9* ).

[Go back to contents](#)

## Queensland

### Century Zinc Mine : Waanyi

A fourth native title claim was lodged over land mooted for a pipeline for the Century Zinc mine. The other claims cover a corridor stretching from the mine site to a point just past the Gregory River in north west Queensland (*CM, 31 July, p10* ).

The Queensland Government was forced to back down from threats to short-circuit the Native Title Act by enacting legislative measures to allow the Century Zinc development to override Aboriginal protests, after RTZ-CRA rejected the Government's proposals and decided to negotiate under the NTA instead (*Townsville Bulletin, 5 August, p9* ).

The Queensland Premier, Mr Borbidge, expressed renewed optimism about the future of the Century Zinc project, hinting that a breakthrough had been achieved in recent talks (*Aus, 13 August, p19* ).\*

Former Governor General, Mr Bill Hayden was appointed to head the Queensland Government team trying to negotiate a start for the stalled \$1.1 billion Century Zinc project. His appointment signalled a more conciliatory stand on Aboriginal claims by the Government, a position forced by a Federal Court ruling that State governments must negotiate in good faith (*WAus, 7 September, p3* ).

Century Zinc engaged in negotiation with the United Gulf Regional Aboriginal Corporation to hand over full ownership to Gulf Aborigines of initially two, and eventually five, cattle properties owned by the Company. Pendine and Konka will be handed over first, and over time the final three properties, Riversleigh, Lawn Hill and Turn Off Lagoons (*CM, 10*

*September, p1 ).*

Owners of leasehold cattle properties along the proposed Century Zinc slurry pipeline route have rejected a proposal that the Queensland Government acquire the properties and hand over ownership to Aborigines (*CM, 11 September, p3 ).*

Carpentaria Land Council asked the Native Title Tribunal to mediate in the negotiations with RTZ-CRA. CLC said it would only negotiate under the Native Title Act if both RTZ-CRA and the Qld State Government stopped offensive tactics. The dispute would move to arbitration before the Tribunal if no agreement is reached by December 5 (*Aus, 2 August, p19 ).*

Whilst the CLC threatened the above, Aboriginal members of the Gulf region circulated a petition to drop the Council as their representative body, citing frustration with Mr Murradoo Yanner. There was also a request from DEET and Century Zinc for the publication of an ATSIIC investigative audit of the CLC's funding. The petition relied on section 202 of the Native Title Act that deems the Minister of Aboriginal Affairs cannot name a group as a representative body unless it displayed some broad representativeness (*Fin R, 2 August, p3 ).*

[Go back to contents](#)

### **Allgas Pipeline - Brisbane : Gungarri**

Queensland Premier Borbidge was criticised by Goolburri Land Council over his Government's failure to observe procedures stipulated under the Native Title Act. Instead of issuing Section 29 Native Title Notices, which would have brought forth claimants and set in motion the right to negotiate procedures of the Act, notices were issued under the Queensland Cultural Record Act seeking cultural survey information over a 100 metre wide corridor along the pipeline route (*WAus, 10 August, p8 )*

The Allgas pipeline runs through the traditional land of six Aboriginal groups. Dispute has existed on one segment of the pipeline near Mitchell, between the Gungarri and Bidjarra people as to ownership of the land. A meeting was organised at Saint George to resolve the dispute in hopes of allowing the pipeline to proceed according to schedule (*CM, 17 August, p2 ).*

Talks between Aboriginal groups involved in negotiations over the pipeline broke down on 19 August after representatives from the Gungarri refused to allow representatives from any other groups to monitor construction of the pipeline in the disputed area (*CM, 20 August, p6 ).*

The Queensland Government then threatened to use the Police Force to ensure that the gas pipeline went through if the conflicting groups did not settle their differences before 23 August. (*CM, 21 August, p4 ).*

Compromise was reached between the disputing Gungarri and Bidjarra groups, allowing the construction of the gas pipe line to go ahead. The deal allows both the Bidjara and Gungarri to have two representatives on the pipeline team to monitor the protection of Aboriginal heritage in the zone, and for the groups to work independently (*CM, 23 August, p3 ).\**

[Go back to contents](#)

## GENERAL NATIVE TITLE ISSUES

### National

The President of the Native Title Tribunal, Justice French, appealed for unity between pastoralists and Aboriginal groups. He noted that progress was slowest in dealings between native title applicants and State and Territory Governments, and asked that governments refrain from delaying native title negotiations in expectation of native title legislation amendments, or the handing down of a decision in the Wik case (*FinR, 28 August, p10* ).

Predictions were made that a defeat of the Federal Government's plans to amend the Native Title Act in the Senate is quite likely. Aboriginal and industry groups have had fundamental disagreements about key amendments. The Government's fear is that the split will strengthen the resolve of the Opposition and key power parties such as the Greens and Democrats, in blocking amendments (*Aus, 12 August, p3* ).

The Federal Government has indicated it may support the Cape York Peninsula agreement, undermining the Queensland Government's opposition to it. Despite the fact that farmers, Aboriginal, and environmental groups all support the deal, the Queensland Premier still refuses to support it. His main concern is that recognising the deal will uphold native title on pastoral leases, and contradict the High Court Wik case (*WA, 10 August, p8* ).

Ray Robinson, acting chair of ATSIC, called for more stringent testing for native title procedures, to minimise "stuff ups" because of insincere claims which ruin claims of legitimate claimants (*Aus, 2 August, p5* ).

Three Aboriginal fishermen who fished in a creek near Port Hedland to feed 300 people attending a wake have lost a legal claim that they had a native title right to fish in the area (*WA, 20 August, p29* ).

Retiring Cattlemen's Union Queensland Chairman, Andrew McInnerney, claimed that the NTA was badly written in that it requires Aboriginal groups to make ambit claims rather than sit down with landholders and work through the issues. Citing the Cape York agreement, he said the Union had shown that it was possible to negotiate without legal intervention (*CM, 29 August, p6* ).

Lawyer Noel Pearson, formerly director of the Cape York Land Council stated that in his opinion extinguished native title could be revived. Mr Pearson questioned whether the existence of historical inconsistency resulted in permanent and irrevocable extinguishment. Where the people remained, and tenure inconsistent with native title was replaced by a native title friendly land system, Aborigines again legally owned the land, he said (*Aus, 6 September* ).

[Go back to contents](#)

## **NSW**

More than a million artefacts and relics, including at least 150 ancient skeletons, are to be returned to their traditional Aboriginal owners by the National Parks and Wildlife Service, which is currently responsible for protecting them. It is also understood that State Cabinet has approved a proposal allowing Aboriginal ownership of some of the State's national parks (*SMH, 7 August, p5* ).

[Go back to contents](#)

## **Queensland**

### **General**

The Federal Minister for the Environment, Senator Robert Hill, stated in early September that he considered the Queensland Government was likely to end its opposition to the Cape York land use agreement after the High Court brings down its decision on the Wik case later this year. This decision will determine whether pastoral leases and native title can co-exist (*Fin R, 5 September, p5* ).

[Go back to contents](#)

### **Cape York**

Native Title claims in Cape York have temporarily suspended the expansion of an Aboriginal market garden, despite group confidence that the future owners would probably give permission for the expansion. The Coen Regional Aboriginal Corporation hopes to negotiate with the traditional owners, but the Queensland State Government is nervous about allowing talks (*WA, 2 September, p28* ).

[Go back to contents](#)

### **Hinchinbrook**

A claim that the proposed Hinchinbrook development area is under native title claim was dismissed by both the Giringun Elders and Reference Association (who were cited as claimants) and the project's developer, Keith Williams. Both insist that reports of the claim were just a rumour (*CM, 29 August, p 6* ).

Reports that a barrister for the claim was flown to the Torres Strait on IINA funds were also dismissed as rumour (*CM, 27 August, p8* ).

[Go back to contents](#)

## **Western Australia**

### **General**

The West Australian Government was embarrassed by an allegation by the Native Title Tribunal on 7 August that it has "failed to negotiate in good

faith" in relation to a native title application. The NNTT ruling has implications for other cases going through the native title process, in that negotiations between all mining lease applicants and relevant Aboriginal native title claimants will be enforced (*Aus, 8 August, p3* ).

The Western Australian Premier, Mr Court, proposed that legislation be enacted to ensure Aboriginal title holders be compensated by mining companies. This proposal entails two initiatives: firstly an amendment to the WA Mining Act to enforce compensation for infringement of native title rights and interests and secondly a ministerial condition would be written into all new leases under the Native Title Act, reinforcing the requirement for compensation (*Aus, 14 August, p23* ).

Premier Court has also instigated moves for clearing up some of the problems now experienced by companies when dealing with native title legislation. He says that the Native Title Tribunal is inefficient and has put forward suggestions to increase its efficiency. Criticism has arisen as a result, saying that the Premier's recommended changes will weaken Aboriginal native title claimants' right to negotiate (*WA, 14 August, p6* ).

Three Aboriginal groups with the native title interest over the Swan River and Perth metropolitan area will unite for talks with the State Government and local authorities over land use agreements for the river and foreshore areas. The parties said they would consider pursuing agreements that would not require the determination of native title such as those with Aborigines in Broome and the Ord River scheme. The parties are expected to draft an in principle agreement by December (*WA, 17 September, p 9* ).

A special mediation service developed in the Goldfields of WA, was promoted as a model for use in Aboriginal native title cases nationally. The Goldfields area represents the greatest concentration of native title claims and overlapping claims in the country. The Goldfields Mediation Service represents a bid by a number of stakeholders in the process of determining native title to overcome costly delays in establishing the identity of native title claimants (*Aus, 23 August, p4* ).

[Go back to contents](#)

## **WA Pastoralist and Graziers Association**

Claims by Tony Boulton, president of the Pastoralist and Graziers Association, that pastoralists will fear for their safety if Aborigines gain access to pastoral land, were denounced by the Western Australia Farmers Federation (WAFF), as racist and unrepresentative. WAFF president, Kevin McMenemy, said that Aborigines had been living on unenclosed portions of pastoral stations for the past 60 years with few problems. KLC executive director Peter Yu supported this, saying that good relations exist between many pastoralists and Aborigines, while other pastoralists were considering allowing access (*WA, 29 August, p 10* )

[Go back to contents](#)

**NT**

## **NT Railway**

The Northern Territory Government, which has long hoped to build a Darwin-Alice Springs railway, has 55 % of the 1410 km corridor needed to build the rail link. It has asked the Federal Government to use its powers of compulsory acquisition, if necessary to secure the 21% of the corridor which passes through Aboriginal land or is subject to claim. A key stimulus to proposals for the rail link is the volume of freight which could be taken to the new Darwin Port, scheduled to open in December next year (*Aus, 10 September, p 24* ).

[Go back to contents](#)

## **Northern Territory sea claims**

Claims by the fishing industry that sea claims in the Northern Territory could jeopardise its survival were dismissed by Mr Yumbulul, one of the traditional owners of the disputed area. Mr Yumbulul stated that exclusionary zones are not the aim, but rather the traditional owners sought to negotiate a joint management approach, which would allow visiting fishermen to use the area (*NTN, 30 August, p 4* ).

The traditional owners of Croker Island have lodged a claim over 3000 square kilometres of sea surrounding the island. The Northern Territory News believes that if the claim is accepted, it would open the floodgates for dozens of other sea claims and give traditional owners effective control of most Northern Territory waters (*NTN, 3 September, p10* ).

A group of traditional owners from the Manbunyinga ga Rulyapa Steering Committee representing c 6000 Aborigines in North Eastern Arnhem Land said that Indonesia should be asked to protect Aboriginal sacred sites in waters off the Northern Territory as part of an international agreement on maritime zones. The Steering Committee said the Federal Government had failed to ensure sacred sites and fish stocks in the Arafura Sea would be protected under new arrangements for maritime boundaries.

[Go back to contents](#)

## **RECENT PUBLICATIONS**

Due to the delays involved in getting this Newsletter to press, this month's publications segment is quite short.

**Central Land Council**, 1996, *The Land is Always Alive: The Story of the Central Land Council*. This report was compiled by Peter McEvoy and Pamela Lyon. It reviews the progress by Central Australian Aboriginal people in obtaining title to traditional lands year by year from the formation of the CLC in 1974, stressing the watershed formed by the *Aboriginal Land Rights (NT) Act 1976* in changing the status of Aboriginal people from people supervised by 'the Welfare' or 'the Mission' to people with the power to take control of their own communities and their own lives.

**Howitt, Richard**, (Ed), with John Connell and Philip Hirsch, 1996. *Resources, Nations and Indigenous Peoples: Case Studies from Australasia, Melanesia and Southeast Asia*, Oxford University Press. This

volume contains a number of interesting essays on the Australian experience. These include Michael Christie and Bill Perrett's article on language and conceptual differences involved in negotiation between the Yolngu and non-Aboriginal negotiators; Sue Jackson's article on Aboriginal land and sea rights; Mary Edmunds' article on Aboriginal women and change, and Ciaran O'Faircheallaigh's article on negotiation with mining companies.

**Sullivan, Patrick** (Ed), 1996, *Shooting the Banker: Essays on ATSIC and Self-Determination*, North Australia Research Unit, Australian National University, Darwin. This volume of essays analyses questions to do with the Commission's organisational structure and its relation to ATSIC's operation over its first 6 years and into the future.

**Sullivan Patrick**, 1996. *The Needs of Prescribed Bodies Corporate Under the Native Title Act 1993 and NTA Regulations: A Report on Issues and Options*, North Australia Research Unit, Australian National University, Darwin. This report was prepared for the ATSIC Native Title Branch as a submission to the Review of the *Aboriginal Councils and Associations Act 1976*.

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[Go back to contents](#)

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[WHAT'S NEW](#) | [SITE INDEX](#) | [RESOURCES](#) |  
[CONTACTS](#)

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