

December 2004

Lakes plan approved

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

Native Title claim settled

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

'Top up' rule for pastoral leases

As of January 2005, Far Northern pastoral leaseholders who have a native title claim over their property will be 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

No backing for sunset land claims

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

Narungga Land Use Agreement signing

After nearly two years of negotiations, the signing of the first native title agreement between the District Council of Yorke Peninsula, District Council of Barunga West, District Council of the Copper Coast, Wakefield Regional Council, Aboriginal Legal Rights Movement and the South Australian State Government took place on the 03 December 2004. The Council intends to work with the traditional owners from the beginning of the agreement in relation to all major projects and sees the agreement as advantageous for developers in the Yorke Peninsula region.

Yorke Peninsula Country Times - Kadina, pg 6, 21-Dec-2004

Kaurna claim negotiation

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 Kaurna claim covers an area from Port Pirie to Yankalilla. Local Government Association (LGA) spokesperson Chris Russell said a template for negotiating with the Kaurna 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

Native title issues delay development at Boyne

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

Djabugay reclaim forest

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 - the Barron Gorge National Park. Justice Jeff Spender ended 10 years of negotiation by granting the Djabugay people non-exclusive possession of the World Heritage-listed land. The Djabugay people have now called upon the State Government to create employment opportunities for Indigenous people apart of the agreement.

Cairns Post, pg 3. 18-Dec-04

Ruddock faces claim headache

Federal Attorney-General Philip Ruddock recently visited the Indigenous community of Yarrabah, just outside of Cairns. The visit was to discuss issues with the Yarrabah community leaders in particular native title, and domestic violence and justice. 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

Native claims 'clog up system'

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.

Decision next year - Religion a defence in abalone case

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.

Land transfer progress

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.

Judge condemn native title case delays

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.

Fresh method for title claim

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.

Torres Strait Islanders' native title recognised through agreements

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.

Land sale key for Kooris: Mundine

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.

South Australian groups finalise first native title local government agreement

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.

Minara hit with \$20m claim over native title deal

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. Goldfields native title group.

NLC gives go-ahead

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.