

## Native Title in the News May 2010

Date	State	Subject	Summary	Source
04/05/2010	WA	<b>Bokelund hopes to break down cultural barriers</b>	The Goldfields Land and Sea Council has appointed a new chief executive following the departure of the long serving Brian Wyatt to the National Native Title Council. Hans Bokelund has more than 15 years' experience in private sector management, including five years in law, and the past three years with the Victorian Bar. Mr. Bokelund hopes to be the first port of call for all people regarding native title issues. "I will try to break down barriers and misunderstandings along with the fear and prejudice that come from these," he said.	<i>Kalgoorlie Miner</i> (Kalgoorlie WA, 4 May 2010), 5.
04/05/2010	NSW	<b>Jetty community garden</b>	A site has been found for Coffs Harbour's community garden after 17 months of searching. The area is subject to a native title claim. Because of the claim the gardeners will initially only be offered a 12-month lease by both the council and the state government. The site covers both Crown and council owned land and therefore the gardeners will also need to get two separate licences to operate the gardens.	<i>Advocate</i> (Coffs Harbour NSW, 4 May 2010), 5.
11/05/2010	QLD	<b>McCracken admits clearing bushland</b>	<p>Developer and former rugby league star Jarrod McCracken faces fines of up to \$250,000 after pleading guilty to clearing protected bushland to make way for his new home, driveway and a horse paddock. Excavation and clearing of vegetation at the property finally stopped after the Whitsundays Shire Council applied to the Planning and Environment Court in late 2007.</p> <p>The charges are said to include clearing 265sq m of protected forest from Dryandra National Park, which adjoins the McCracken property, as well as the destruction of shell middens and sites with heritage value to the Gia Aboriginal people, who have a native title claim on the land.</p>	<i>Townsville Bulletin</i> (Townsville QLD, May 2010), 4.

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<p>13/05/2010</p>	<p>NT</p>	<p><b>Gregory National Park returns to its traditional owners</b></p>	<p>The Northern Territory Government has handed back ownership of the Gregory National Park to Traditional Owners, who have agreed to make the land available to the public as a park through a 99-year lease to the government.</p> <p>Traditional Owners will jointly manage the park with the Territory's Parks and Wildlife Department under an agreement that has taken years to negotiate. This will benefit about 300 Indigenous people from seven Aboriginal language groups. Federal Minister for Indigenous Affairs Jenny Macklin said the joint management would help "strengthen the relationship between Indigenous and other Australians".</p> <p>It ensures the protection of vast areas of semiarid and tropical land that includes sacred Aboriginal sites that have remained untouched for tens of thousands of years. Ngarinyman traditional owner Larry Johns said that the park would be renamed Jutburra National Park.</p>	<p><i>Age</i> (Melbourne VIC, 13 May 2010), 6. <i>Australian</i> (National AU, 14 May 2010), 2. <i>Fraser Coast Chronicle</i> (Hervey Bay QLD, 15 May 2010), 20. <i>Canberra Times</i> (Canberra ACT, 15 May 2010), 5. <i>Advocate</i>, Coffs Harbour NSW, 15 May 2010), 22. <i>Katherine Times</i> (Katherine NT, 26 May 2010), 7.</p>
<p>19/05/2010</p>	<p>SA</p>	<p><b>Mabo ruling 'set bar too low'</b></p>	<p>Sean Berg, an Adelaide barrister, has challenged the legal profession to abandon its "innate conservatism" and address the tough land title issues arising from Aboriginal sovereignty. Delivering the Elliott Johnston Memorial Lecture, as part of South Australia's Law Week, Mr. Berg said Aborigines had never ceded their sovereignty in Australia and no fair legal system could sustain forever the "fiction of extinguished predecessor title".</p> <p>Mr. Berg said the Mabo decision had "set the bar too low" by failing to recognise any existing or residual forms of Aboriginal sovereignty for fear of fracturing the internal consistency of the law. He said Mabo "overwhelmed" broader discussions about the flow-on effects of Aboriginal predecessor title. "This is not justice as I understand or imagine it," he said. "If we have a legal system that does not allow society to explore and protect rights, then we should throw it out and start again."</p>	<p><i>Australian</i> (National AU, 19 May 2010), 7.</p>

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19/05/2010	AU	<b>Tax relief plan for native title</b>	<p>Indigenous people who receive native title payments may no longer pay tax under radical proposals being floated by the Rudd government. The federal government has floated three different approaches to allow Aboriginal communities who receive native title funds to keep more money and use it to benefit their communities.</p> <p>One plan involves a tax exemption for all native title payments. The second involves the creation of a new tax-exempt entity, an Indigenous community fund, to deal with the taxation of benefits when they are used for a range of defined purposes that benefit Indigenous Australians, such as education. The third option allows the government to withhold an amount of tax before the payment goes to the native title holders. The rest of the payment would then be income tax exempt.</p>	<i>Australian</i> (National AU, 19 May 2010), 7.
19/05/2010	QLD	<b>Native title check on \$1 m project</b>	<p>A Cairns law firm has been engaged to check on native title issues on land which Cook Shire Council is building six aged care units. This is a part of a \$1 million project through the Federal Economic Stimulus Plan Social Housing Initiative. With no identified extinguishing tenure on the May St reserve, adjacent to the 12 existing Coral Sea Units, native title rights could exist and need be addressed, said a report to last month's council meeting.</p>	<i>Cooktown Local News</i> (Cooktown QLD, 19 May 2010), 7.
19/05/2010	QLD	<b>Fritz Creek camp lost in native title deal; timber lot confuses</b>	<p>Reserves for camping and timber between the Black Mountain and Cedar Bay national parks have been revoked as part of the ongoing implementation of a native title agreement finalised 2½ years ago.</p> <p>The Department of Environment and Resource Management recently advised the Cook Shire Council that the camping reserve on Fritz Creek, south of Auravale, as well as parts of Monkhouse timber reserve, which borders Black Mountain and Cedar Bay national parks, had become protected area estate under the Eastern Kuku Yalanji Indigenous Land Use Agreements.</p> <p>The Fritz Creek land, outside the World Heritage Area, was not in the original 1994 native title claim area – but the council consented in the ILUAs to the camping reserve becoming a national park "green zone".</p>	<i>Cooktown Local News</i> (Cooktown QLD, 19 May 2010), 7.

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19/05/2010	WA	<b>Test case on native title land offences</b>	<p>Police investigations into offences such as disorderly conduct and indecent exposure on properties covered by native title could be compromised under a landmark test of the laws in the Broome Magistrate's Court.</p> <p>The case revolves around five Lombadina men who were charged with disorderly conduct after they were accused of verbally harassing a group of off-duty police officers at a beach at Djarindjin-Lombadina, 200km north-west of Broome, in September 2008.</p> <p>Mr. McIntyre, senior Counsel for defence, argued for the men's case to be thrown out, saying the beach was on native title land and not in a public place. Therefore, disorderly conduct could not have occurred, he said. Magistrate Greg Smith is due to hand down his decision in September.</p>	<i>West Australian</i> (Perth WA, 19 May 2010), 18.
27/05/2010	WA	<b>Miner starts on pit tests</b>	<p>Toro Energy has started work on a uranium resource test pit. The pit is being developed over the next eight weeks at Toro's uranium project in Wiluna. The site, just south of Wiluna, is a component of the project's bankable feasibility study.</p> <p>Native title claimants and the state government have approved the pit. The on-site work will involve the movement of 45,000 tonnes of barren and ore material for sampling, with all material then returned to the pit to allow for full site rehabilitation.</p>	<i>Geraldton Guardian</i> (Geraldton WA, 28 May 2010), 3. <i>Kalgoorlie Miner</i> (Kalgoorlie WA, 27 May 2010), 18.
29/05/2010	NT	<b>Uranium site to be made part of Kakadu</b>	<p>Thousands of hectares of wilderness land, including the large Koongarra uranium deposit estimated to hold about 14,000 tonnes of uranium, are set to be handed over to become part of Kakadu National Park. The land has been offered on behalf of Traditional Owner Jeffrey Lee.</p> <p>Federal Environment Minister Peter Garrett has said, "Whilst there are important questions of Indigenous rights and natural justice that need to be worked through, this is a once in a generation opportunity that I would naturally encourage".</p> <p>French miner Areva has been stopped from mining the area by Mr. Lee, who has said he is not interested in money. According to Aboriginal beliefs, the land includes places where the rainbow serpent entered the ground and rock art from hundreds, perhaps tens of thousands of years ago.</p>	<i>Sydney Morning Herald</i> (Sydney NSW, 29 May 2010), 14. <i>Age</i> (Melbourne VIC, 29 May 2010), 5. <i>Northern Territory News</i> (Darwin NT, 31 May 2010), 4.