

# NATIVE TITLE IN THE NEWS

## NOVEMBER 2012

DATE	STATE	SUBJECT	SUMMARY	SOURCE
31/10/12	AU	Native title reform	Australians for Native Title and Reconciliation (ANTAR) claim the Native Title Amendment Bill 2012 fails to address the major inequalities in the system. They say reforms need to reverse the onus of proof in native title claims.	<i>Koori Mail</i> (Lismore QLD, 31 October 2012) 34 <i>National Indigenous Times</i> (Malua Bay NSW, 7 November 2012) 13.
31/10/12	WA	Yindjibarndi and Fortescue Metals Group	A lawyer previously engaged by Fortescue Metals Group (FMG), Kerry Savas, has claimed that FMG initiated the establishment of the Wirlu-murra Yindjibarndi Aboriginal Corporation as a breakaway group to negotiate mining rights on Yindjibarndi country following failed negotiations with Yindjibarndi Aboriginal Corporation (YAC). YAC secured a Federal Court determination in 2005 as the original native title claim group for the area. The YAC Chief Executive Officer, Michael Woodley, said this makes 'a mockery of native title and Federal Court determinations.' FMG has rejected allegations made by Mr Savas.	<i>National Indigenous Times</i> (Malua Bay NSW, 31 October 2012) 1 <i>National Indigenous Times</i> (Malua Bay NSW, 7 November 2012) 14 <a href="#">ABC News</a> (online, 21 November 2012) <a href="#">Pilbara Echo</a> (online, 23 November 2012)
06/11/12	AU	Indigenous Land Bank proposal	Father Brennan, law professor from the Australian Catholic University, believes there will be a backlash against the purchase of land for Indigenous Australians if the existing native title land isn't more effectively developed. He proposes an Indigenous Land Bank as an effective way to promote the economic development of native title land. The existing Indigenous Land Corporation or some equal body could act as a guarantor for registered native title holders who want to mortgage their land for the economic development.	<i>The Age</i> (Melbourne VIC, 6 November 2012) 6 <a href="#">The Age</a> (online, 6 November 2012) <a href="#">The Sydney Morning Herald</a> (online, 6 November 2012)

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07/11/12	WA	Yindjibarndi and Fortescue Metals Group	FMG have initiated 25 separate legal actions against YAC in what has been described as a 'war of attrition' designed to destroy the Yindjibarndi's ability to continue to reject mining agreements.	<i>National Indigenous Times</i> (Malua Bay NSW, 7 November 2012) 1
07/11/2012	WA	Landmark native title case	The Ngarla people have had their native title rights recognised after a five year dispute with miners in the Pilbara region of Western Australia. The case involved mining leases in the area of Mount Goldsworthy where Western Australia's first major iron ore mining operations started in the 1960s. The Ngarla people were granted native title in 2007 but questions remained whether mining leases extinguished their native title rights. The full Federal Court has now ruled that mining leases do not wholly extinguish native title. Although the mining lease prevails whilst in place, native title may revive when the mining lease ceases.	<a href="#">ABC News</a> (online, 6 November 2012) <a href="#">The Australian</a> (online, 6 November 2012) <a href="#">WA Today</a> (online, 6 November 2012) <i>Northern Territory News</i> (Darwin, 7 November 2012) 16 <a href="#">The West Australian</a> (online, 7 November 2012) <a href="#">ABC News</a> (online, 7 November 2012)
08/11/2012	SA	Native title claim over Cubbie Station	Aboriginal groups are hoping the Kuma people's native title claim over Cubbie Station will ensure the water is returned to the Murray-Darling Basin. Peter Chapman from Dirranbandi in Queensland plans to travel the length of the river system to raise opposition to the sale of the station and its huge water allocation to a foreign-led consortium.	<i>Murray Valley Standard</i> (Murray Bridge SA, 8 November 2012) 4
09/11/2012	QLD	Land Holding Bill 2012	The Aboriginal and Torres Strait Islanders Land Holding Bill 2012, introduced in Queensland in August 2012, intends to make it easier for residents in Indigenous communities in Queensland to own homes. Community leaders in far north Queensland have expressed concerns however that consultations with Indigenous community members concerning the Bill were not adequate.	<i>Cairns Post</i> (Cairns QLD, 9 November 2012) 14
13/11/12	WA	MP voices opposition to James Price Point	Western Australian Member for the Pilbara, Tom Stephens, has voiced his opposition to the James Price Point gas hub during parliamentary debate on the Browse Land Agreement Bill 2012. He cited his experience of the destruction of community life in the Pilbara and the litany of broken promises to its Indigenous communities as justification for his position.	<i>West Australian</i> (Perth WA, 13 November 2012) 19

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14/11/12	NT	Muckaty nuclear waste dump	Traditional owners of an area earmarked for a nuclear waste dump in the Northern Territory remain divided on the plan, despite another location for the proposed dump being put forward. A representative from the Yapa Yapa people said she believes there must be unanimous agreement between the five clans that comprise the Muckaty Land Trust, as songlines and dreaming cross clan boundaries.	<i>Koori Mail</i> (Lismore NSW, 14 November 2012) 18
19/11/12	AU	National Native Title Tribunal ties with Fortescue Metals Group	The National Native Title Tribunal (NNTT) has admitted one of their senior executives failed to declare ownership of a consulting firm that facilitated access to Aboriginal land by mining companies. The NNTT manager for Western Australia, Lillian Maher, also failed to declare her relationship with employees of the Fortescue Metals Group (FMG), which benefited from NNTT decisions. Ms Maher's consulting firm produced a report in September 2011 for FMG to obtain approval for iron ore mining within FMG's Solomon Hub lease.	<i>The Australian</i> (Australia, 19 November 2012) 6
19/11/12	WA	James Price Point legal action	Legal action has been launched to stop Woodside's \$35 billion gas hub project at James Price Point. The Supreme Court action on behalf of traditional law boss Phillip Roe claims the government of Western Australia facilitated an abuse of court process in its dealings with the Kimberley Land Council (KLC) and native title applicants. The WA Supreme Court has been asked to overturn the state government's second attempt at compulsory acquisition of the site and rule the \$1.5 billion compensation deal negotiated with the KLC invalid.	<i>The Australian</i> (Australia, 19 November 2012) 7
21/11/12	QLD	Jinibara native title determination	The Jinibara people of south-east Queensland have received recognition of their native title rights over 700 square kilometres of land that stretches from the Sunshine Coast to the Brisbane River. This determination has been 14 years in the making and is the first native title determination on the mainland of southeast Queensland.	<a href="#"><i>The Australian</i></a> (online, 20 November 2012) <i>Sunshine Coast Daily</i> (Maroochydore QLD, 21 November 2012) 4

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21/11/12	WA	Ord Irrigation Project	A Chinese property developer will inject \$700 million into the remote East Kimberley to develop a giant new irrigated sugarcane region by 2018. The local Miriuwung Gajerrong people see the Ord expansion as an opportunity to create jobs for Aboriginal people in farming and business. In 2005 the Miriuwung Gajerrong Corporation reached a settlement with the WA government which established a process for the Miriuwung Gajerrong people to negotiate with investors on business and employment opportunities.	<p><i>The Australian</i> (Australia, 21 November 2012) 8  <i>West Australian</i> (Perth WA, 21 November 2012) 10  <i>Farm Weekly</i> (Perth WA, 22 November 2012) 29  <i>Northern Territory News</i> (Darwin NT, 23 November 2012) 2  <a href="#">ABC News</a> (online, 23 November 2012)  <i>Weekend Australian</i> (Australia, 24 November 2012) 7  <a href="#">The West Australian</a> (online, 24 November 2012)</p>
22/11/12	QLD	Family Court decision	A traditional owner from an island in the Torres Strait has obtained injunctive orders from the Family Court to evict her former partner from her property, which is subject to native title flowing from a Federal Court decision in 2000. Her life interest in the property was taken into account in assessing the parties' assets. The Family Court decision held that the de facto wife had native title to the lot under question and although unable to sell that interest, she could derive an income from leasing the property.	<p><a href="#">The Australian</a> (online, 22 November 2012)</p>
22/11/12	WA	James Price Point environmental approval	The proposed gas hub project at James Price Point has been granted environmental approval this month from the Western Australia government on the recommendation of an appeals committee. Earlier this year, the state government's approvals process drew controversy after it emerged that three out of five members of the Environmental Protection Authority (EPA) board had to excuse themselves from voting on the project because of conflicts of interest. WA Environment Minister Bill Marmion then appointed an appeals committee to review 244 appeals against the approval given in July by the EPA. Mr Marmion said he had strengthened conditions for the involvement of traditional owners and native title claimants in the development of environmental management plans.	<p><a href="#">The West Australian</a> (online, 19 November 2012)  <i>The Australian</i> (Australia, 20 November 2012) 6  <a href="#">ABC News</a> (online, 21 November 2012)</p>

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28/11/12	AU	Native title respondent funding	Federal Government funding for native title respondents, including pastoralists, to access legal services will come to an end in December 2012. The Pastoralists and Graziers Association and AgForce have described the move as an 'attack on agriculture', saying that many pastoralists will be unable to pay for representation and will have to represent themselves, putting the court under increased pressure. A spokesman for federal Attorney-General Nicola Roxon says the government believes funding should not be provided to commercially viable entities now that the native title process is well established.	<p><a href="#">ABC News</a> (online, 28 November 2012)  <a href="#">The Australian</a> (online, 28 November 2012)  <a href="#">ABC News</a> (online, 29 November 2012)</p>