

Native Title in the News October 2010

Date	State	Subject	Summary	Source
01/10/10	QLD	Inskip Point and Fraser Island claim	<p>The Butchulla People have applied for native title over land that encompasses Fraser Island, Inskip Point and some land and water near Tin Can Bay and Rainbow Beach.</p> <p>The Butchulla people have previously applied for native in 1998 but were unsuccessful with their first attempt and the claim was discontinued. There have been several other attempts since that time but they have also been dismissed. A new claim covers two areas. One of those areas is about 1650sqkm, and the other area covers about 6829sqkm of waters off Fraser Island, land surrounding Hervey Bay, Maryborough, north of Tin Can Bay and Inskip Point.</p> <p>A spokesperson from the National Native Title Tribunal has said the application would be dealt with by mediation and only end up before the courts if all parties involved couldn't agree.</p>	<p><i>Gympie Times</i> (Gympie QLD, 1st October 2010), 3. <i>Fraser Coast Chronicle</i> (Hervey Bay QLD, 13th October 2010), 4.</p>
01/10/10	QLD	Wild Rivers	<p>Prime Minister Julia Gillard has called for a Parliamentary Inquiry into Queensland's Wild Rivers laws. The <i>Wild Rivers Act 2005</i> (Qld) was introduced in 2005 to protect the health of ten Cape York river systems by placing limits on development. Opposition leader Tony Abbott has considered introducing a private member's Bill that would override the laws. Labor and the Greens oppose the private member's Bill attempt by Mr Abbott.</p> <p>The House of Representatives' Economics Committee will be asked to examine the impact of the <i>Wild Rivers Act 2005</i> (Qld). The inquiry will examine the full range of issues affecting Indigenous economic development in Queensland, the operation of environmental and industry regulation and the native title system.</p> <p>The Indigenous Affairs Minister, Jenny Macklin, and the Sustainability Minister, Tony Burke, said the inquiry should report back by March 2011.</p>	<p><i>Australian</i> (Australia, 1st October 2010), 7. <i>Sydney Morning Herald</i> (Sydney NSW, 1st October 2010), 7. <i>Weekend Post</i> (Cairns QLD, 2nd October 2010), 25. <i>Canberra Times</i> (Canberra ACT, 2nd October 2010), 4. <i>Courier Mail</i> (Brisbane QLD, 7th October 2010), 13. <i>Courier Mail</i> (Brisbane QLD, 7th October 2010), 30. <i>Courier Mail</i> (Brisbane QLD, 2nd October 2010), 18. <i>Townsville Bulletin</i> (Townsville QLD, 1st October 2010), 2. <i>Canberra Times</i> (Canberra ACT, 1st October 2010), 4. <i>The Week</i> (Australia,</p>

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				<p>8th October 2010), 19. <i>Western Cape Bulletin</i> (Weipa QLD, 6th October 2010), 1. <i>Western Cape Bulletin</i> (Weipa QLD, 6th October 2010), 4. <i>Western Cape Bulletin</i> (Weipa QLD, 6th October 2010), 5. <i>Australian</i> (Australia, 13th October 2010), 7. <i>North Queensland Register</i> (Townsville QLD, 7th October 2010), 7. <i>Courier Mail</i> (Brisbane QLD, 19th October 2010), 2. <i>Cairns Post</i> (Cairns QLD, 18th October 2010), 8. <i>Sydney Morning Herald</i> (Sydney NSW, 18th October 2010), 6. <i>Courier Mail</i> (Brisbane QLD, 18th October 2010), 10. <i>National Indigenous Times</i> (Malua Bay NSW, 28th October 2010), 6.</p>
5/10/10	VIC	Consent Determination Signed	<p>The Baw Baw Shire Council has signed the consent determination agreed to by the Victorian State Government and the Gunaikurnai people in relation to the Gunaikurnai native title claim. Only a small number of Crown land reserves may be subject to a native title claim by the Gunaikurnai people in the Baw Baw Shire.</p> <p>Whether or not native title has been extinguished in these areas is not clear at the present time. If any development is proposed at these sites the question of whether native title has been extinguished will be addressed at the time.</p>	<p><i>Warragul Gazette</i> (Warragul Gazette, 5th October 2010), 17.</p>

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7/10/10	WA	Beach public area	<p>A Broome Magistrate, Greg Smith, has continued with charges of disorderly conduct against five Aboriginal men who allegedly harassed an off duty police officer on native title land. Magistrate Smith found that the offences occurred in a public place and therefore police had the right to enforce the law. The case is seen as a test of the relationship between native title and criminal law. More evidence on the matter will be heard when the case resumes in April 2011.</p>	<p><i>Kimberley Echo</i> (Kununarra WA, 7th October 2010), 3.</p>
7/10/10	QLD	Land returned to Traditional Owners	<p>Premier Anna Bligh has informed Queensland Parliament that more than 75,000ha of national park, known as Archer Bend, on Cape York Peninsula will be revoked and returned to the Wik Mungkan people.</p> <p>The move comes more than 30 years after it was taken from traditional owners by the National Party government of the day. Ms Bligh said that in November 1977, the Bjelke-Petersen government declared land outside Coen as national park, robbing the Wik Mungkan people of the chance to buy their homeland.</p> <p>'This decision puts an end to a shameful chapter in Queensland's Indigenous history,' she said.</p>	<p><i>Gladstone Observer</i> (Gladstone QLD, 7th October 2010), 15. <i>Sunraysia Daily</i> (Mildura VIC, 7th October 2010), 13. <i>Morning Bulletin</i> (Rockhampton QLD, 7th October 2010), 18. <i>Maitland Mercury</i> (Maitland NSW, 7th October 2010), 7. <i>Fraser Coast Chronicle</i> (Hervey Bay QLD, 7th October 2010), 23. <i>Daily Examiner</i> (Grafton NSW, 7th October 2010), 12. <i>Advocate</i> (Coffs Harbour NSW, 7th October 2010), 13. <i>Northern Star</i> (Lismore NSW, 7th October 2010), 16. <i>Barrier Daily Truth</i> (Broken Hill NSW, 7th October 2010), 8. <i>Courier Mail</i> (Brisbane QLD, 6th October 2010), 7. <i>Cooktown Local News</i> (Cooktown QLD, 8th October 2010), 9.</p>

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<p style="text-align: center;">9/10/10</p>	<p style="text-align: center;">QLD</p>	<p style="text-align: center;">Native Title Declared</p>	<p>Traditional owners have been granted native title rights over land in far north Queensland. The Jirrbal people made three native title claims over unallocated Crown land and forest and park reserves around Ravenshoe and Herberton on the Tablelands.</p> <p>The Jirrbal people have exclusive rights over the unallocated Crown land, and have non-exclusive rights over the forest and park reserves. This means that their rights will be subsidiary to the Queensland Park and Wildlife Service and other interested parties, a Federal Court spokesman said.</p> <p>The Federal Court of Australia handed down the consent determinations on the 8th October, with Justice John Dowsett delivering the judgment at Ravenshoe.</p>	<p><i>Courier Mail</i> (Brisbane QLD, 9th October 2010), 26.</p>
<p style="text-align: center;">9/10/10</p>	<p style="text-align: center;">QLD</p>	<p style="text-align: center;">Perpetual Fund for Indigenous Groups</p>	<p>Noel Pearson, director of the Cape York Institute, has called for millions of dollars to be put into a perpetual fund for Indigenous groups to create sustainable environment-based businesses on land locked up under the wild rivers legislation.</p> <p>Mr Pearson said the fund would recognise the economic impact that land clearing and wild rivers legislation had had on the ability of traditional owners to participate in the emerging carbon economy in their own right.</p> <p>The Wilderness Society's wild rivers campaigner Glenn Walker stated that Julia Gillard's inquiry into Cape York opportunities in response to the Federal Opposition Leader's proposed private members Bill was a perfect place to start the debate.</p>	<p><i>Weekend Australian</i> (Australia, 9th October 2010), 1.</p>

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<p style="text-align: center;">10/10/10</p>	<p style="text-align: center;">WA</p>	<p style="text-align: center;">Kimberley Gas Hub</p>	<p>The Western Australia Government has issued three notices of 'intention to take interests in land' to the Kimberley Land Council, since September 2010. Despite a signed Heads of Agreement between Aboriginal landowners, gas company Woodside and the government stating the gas precinct would be 3500ha in size. The state government has now issued an intention to compulsorily acquire more than 10,000ha.</p> <p>In related news, the state government has declared marine and wilderness parks over 3.5 million hectares of the Kimberley as it prepares for a fight to compulsorily acquire a gas hub site in the region. Western Australia's Premier Colin Barnett described the creation of four marine and wilderness parks, a national park and the conservation reserves as one of the most significant environmental initiatives in Western Australia's history.</p>	<p><i>Sunday Times</i> (Perth WA, 10th October 2010), 24. <i>Australian Financial Review</i> (Australia, 8th October 2010), 11. <i>Kalgoorlie Miner</i> (Kalgoorlie WA, 9th October 2010), 6. <i>Business News</i> (Perth WA, 14th October 2010), 2. <i>West Australian</i> (Perth WA, 16th October 2010), 18. <i>Barrier Daily Truth</i> (Broken Hill NSW, 15th October 2010) <i>Weekend Australian</i> (Australia, 23rd October 2010), 9. <i>Broome Advertiser</i> (Broome WA, 14th October 2010), 2. <i>Broome Advertiser</i> (Broome WA, 28th October 2010), 1.</p>
<p style="text-align: center;">14/10/2010</p>	<p style="text-align: center;">QLD</p>	<p style="text-align: center;">Elsey Station</p>	<p>Five traditional owner groups are planning to break away from the Northern Land Council (NLC). Wardamen, Mangarrayi, Alawa, Gulin Gulin and Jawoyn want to establish a smaller, regional land council to better facilitate their economic development plans.</p> <p>The group plan to lodge an application with Indigenous Affairs Jenny Macklin to create the Katherine Region Land Council. 'The Northern Land Council has been representing Traditional Owners in our area for many decades,' Jawoyn Association CEO Preston Lee said. 'We acknowledge all the work the NLC has done for us in the past. However, clan groups from across the Katherine region are united in our call for independence. We want our own land council.'</p> <p>Also, the NLC's move to take the Banibi Company on Elsey Station to court has upset the Mangarrayi people. The Mangarrayi Aboriginal Corporation is preparing to fight the NLC after lodging Federal Court proceedings on September 22 to keep its company Banibi Pty Ltd</p>	<p><i>North Queensland Register</i> (Townsville QLD, 14th October 2010), 8. <i>Katherine Times</i> (Katherine NT, 27th October 2010), 11.</p>

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			operating at Eley Station, which was said to not have a license to remain on the land. The NLC wants the company to remove its livestock plant and equipment from the station. The proceedings were listed for directions on the 13 th October in the Federal Court in Darwin.	
16/10/10	WA	Case against KLC	<p>Justice Michael Barker of the Federal Court cleared the way for, Joseph Roe, a Kimberley man, to launch a new legal campaign against the Aboriginal group that has been leading talks over the planned \$30 billion gas precinct at James Price Point.</p> <p>Justice Michael Barker said a judgment in August 2010 throwing out an action by Joseph Roe against the Kimberley Land Council did not prevent Mr Roe mounting new litigation using other areas of the <i>Native Title Act 1993</i> (Cth).</p>	<p><i>West Australian</i> (Perth WA, 16th October 2010), 18. <i>Broome Advertiser</i> (Broome WA, 21st October 2010), 3.</p>
16/10/2010	NT	Ayers Rock Resort	<p>The Indigenous Land Corporation (ILC) has bought the Ayers Rock Resort for approximately \$300 million. The ILC has exchanged contracts to acquire the Yulara Resort from Voyages Hotels and Resorts, as well as the airport and workers village. The price of \$300 million is a significant reduction on the \$440 million value assigned to the resort as December 2007, when it was first earmarked for divestment.</p> <p>ILC Chairwoman Shirley McPherson described the move as historic. 'They (Aboriginal people) have been sitting outside looking in and now they'll be there and part of the operations they'll also operate the tours,' she said. Ms McPherson said there was only one Aboriginal person among the 670 staff employed by former owner Voyages Hotels and Resorts, 'and that's a crime'.</p>	<p><i>Age</i> (Melbourne VIC, 16th October 2010), 5. <i>Gladstone Observer</i> (Gladstone QLD, 16th October 2010), 17. <i>Chronicle</i> (Toowoomba QLD, 16th October 2010), 45. <i>Herald Sun</i> (Melbourne VIC, 16th October 2010), 30. <i>Shepparton News</i> (Shepparton VIC, 16th October 2010), 26. <i>Launceston Examiner</i> (23rd October 2010), 48. <i>Barrier Daily Truth</i> (Broken Hill NSW, 16th October 2010), 8. <i>Kalgoorlie Miner</i> (Kalgoorlie WA, 16th October 2010), 8. <i>Bendigo Advertiser</i> (Bendigo NSW, 16th October 2010), 18.</p>

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			<p>Ms McPherson said one of the key priorities of the acquisition would be training in the tourism and hospitality sectors. 'By 2015, it is planned that 200 Indigenous people will be employed at the resort and this will climb to more than 50% by the end of 2018.'</p>	<p><i>Daily News Tweed Heads</i> (Tweed Heads NSW, 16th October 2010), 19. <i>Border Mail</i> (Albury-Wodonga VIC, 16th October 2010), 8. <i>Weekend Gold Coast</i> (Queensland, 16th October 2010), 14. <i>Weekend Post</i> (Cairns QLD, 16th October 2010), 22. <i>Daily Liberal</i> (Dubbo NSW, 16th October 2010), 4. <i>Fraser Coast Chronicle</i> (Hervey Bay QLD, 16th October 2010), 19. <i>Townsville Bulletin</i> (Townsville QLD, 16th October 2010), 77. <i>Canberra Times</i> (Canberra ACT, 16th October 2010), 5. <i>Herald Sun</i> (Melbourne VIC, 16th October 2010), 80. <i>Daily Mercury</i> (Mackay QLD, 16th October 2010), 12. <i>Northern Territory News</i> (Darwin NT, 16th October 2010), 3. <i>Newcastle Herald</i> (Newcastle NSW, 16th October 2010), 41. <i>Morning Bulletin</i> (Rockhampton QLD, 16th October 2010), 38. <i>Queensland Times</i> (Ipswich QLD, 16th October 2010), 26. <i>Advertiser</i> (Adelaide SA, 16th October 2010), 91. <i>Sydney Morning Herald</i> (Sydney NSW, 16th October 2010), 4. <i>Daily News</i> (Warwick QLD, 16th October 2010), 22. <i>Courier Mail</i> (Brisbane QLD, 16th October 2010), 36. <i>Weekend Australian</i></p>
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				<p>(Australia, 16th October 2010), 27. <i>Ballarat Courier</i> (Ballarat VIC, 16th October 2010), 30. <i>Northern Star</i> (Lismore NSW, 16th October 2010), 32. <i>News – Mail</i> (Bundaberg QLD, 16th October 2010), 16. <i>Gympie Times</i> (Gympie QLD, 16th October 2010), 16. <i>Illawarra Mercury</i> (Wollongong NSW, 16th October 2010), 23. <i>Mercury</i> (Hobart TAS, 16th October 2010), 4. <i>Mercury</i> (Hobart TAS, 16th October), 30. <i>Australian Financial Review</i> (Australia, 16th October 2010), 2. <i>Australian</i> (Australia, 21st October 2010), 31. <i>Territory Regional Weekly</i> (Northern Territory, 22nd October 2010), 3. <i>West Australian</i> (Perth WA, 20 October 2010), 19. <i>Alice Springs News</i> (Alice Springs NT, 14th October 2010), 1. <i>National Indigenous Times</i> (Malua Bay NSW, 28th October 2010), 5.</p>
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21/10/10	VIC	Rotunda dilemma	<p>The Hawkesdale and District Development Action Committee (HADDAC) plans to build a rotunda at the town's recreation and conservation reserve, The Common. Plans for the rotunda were first tabled by a youth group from the town in 2008 but the land has since become subject to a native title claim. HADDAC began discussions on the native title claim midway through 2009 to gain permission for the rotunda but are still waiting for a reply.</p> <p>Earlier this month, member for South West Coast Denis Napthine, raised the issue in Victorian Parliament saying simple permission had been sought through Native Title Services Victoria to allow the project to go ahead.</p>	<p><i>Moyne Gazette</i> (Moyne VIC, 21st October 2010), 5.</p>
21/10/10	QLD	GLNG project	<p>The seventh and final Indigenous land use agreement (ILUA) for Santos' GLNG project has been signed. The Murribindi Gap B agreement is one of 42 individual agreements with Aboriginal peoples for the project. Collectively it is the largest set of agreements with Aboriginal peoples in Australia's resources sector history. The final land use agreement means GLNG can start construction knowing all appropriate Aboriginal agreements and conditions are now in place from Gladstone through to Roma.</p>	<p><i>Surat Basin News</i> (Chincilla QLD, 21st October 2010), 15.</p>
23/10/10	VIC	Native Title Deal Signed	<p>The Gunaikurnai people, together with Native Title Services Victoria (NTSV), have welcomed the Federal Court Consent Determination last week, which has formally recognised the Gunaikurnai people's native title claim over lands in Gippsland, in Victoria's southeast.</p> <p>The determination was made by Justice Tony North at a special sitting of the Federal Court on country at The Knob Reserve, Stratford, and coincided with the signing of a Recognition and Settlement Agreement with the Victorian Government, at a ceremony after the hearing.</p>	<p><i>Northern Territory News</i> (Darwin NT, 23rd October 2010), 13. <i>Bairnsdale Advertiser</i> (Bairnsdale VIC, 25th October 2010), 1. <i>Australian Financial Review</i> (Australia, 26th October 2010), 12. <i>Herald Sun</i> (Melbourne VIC, 23rd October 2010), 9. <i>Shepparton News</i> (Shepparton VIC, 23rd October 2010), 14. <i>Central Western Daily</i> (Orange NSW, 23rd October 2010), 4.</p>

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			<p>The \$12 million agreement is the first to be signed under the <i>Traditional Owners Settlement Act 2010</i> (Vic). The settlement will allow for funding for the Gunaikurnai people to manage their affairs and obligations under the settlement, and will help realise economic development and employment opportunities.</p>	<p><i>Weekend Gold Coast Bulletin</i> (Queensland, 23rd October 2010), 18. <i>Age</i> (Melbourne VIC, 23rd October 2010), 10. <i>Advertiser</i> (Adelaide SA, 23rd October 2010), 22. <i>Ballarat Courier</i> (Ballarat VIC, 23rd October 2010), 36. <i>Warnambool Standard</i> (Warnambool VIC, 23rd October 2010), 16. <i>Illawara Mercury</i> (Wollongong NSW, 23rd October 2010), 13. <i>Bairnsdale Advertiser</i> (Bairnsdale VIC, 22nd October 2010), 3. <i>National Indigenous Times</i> (Malua Bay NSW, 28th October 2010), 8. <i>Snowy River Mail</i> (Orbost VIC, 27th October 2010), 3. <i>Lakes Post</i> (Lakes Entrance NSW, 27th October 2010), 3. <i>Gippsland Times & Maffra Spectator</i> (Sale VIC, 26th October 2010), 1. <i>Latrobe Valley Express</i> (Morwell VIC, 25th October 2010), 1.</p>
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27/10/2010	VIC	Riverside native title talks	<p>Representatives from the Victorian Department of Justice's Native Title Office and the National Native Title Tribunal have met with Wamba Wamba, Wadi Wadi and Barapa Barapa leaders to discuss the groups' native title claim that was lodged in 2000. The claim is on Crown Land including parts of Pental Island and the Tyntynder and Nyah forest areas.</p> <p>Native title applicant Gary Murray said the aim of the meeting was to speed-up the settlement of the groups' native title claim. 'We're hoping to settle it by next year... so we can move on and have some certainty,' he said. Mr Murray said the local native title claim would be used to secure economic development opportunities for the Swan Hill region, as well as cultural significance sites. He said one major project could be a multi-purpose eco-tourism site around Pental Island. 'People have to use the native title process as a tool to get things they want done,' he said. 'We've got a small (interpretive) thing at the Pioneer Settlement but that needs to be moved on to the next step.'</p>	<i>Swan Hill Guardian</i> (Swan Hill VIC, 27 th October 2010), 6.
27/10/2010	WA	Coral Bay land deal	<p>The Western Australia Government has received approval to build a 70-bed facility to accommodate tourism workers in Coral Bay under a land agreement signed with the Baiyungu Aboriginal Corporation (BAC). A land transfer deal that was signed on the same day gives the BAC freehold title to about 30ha of Crown land.</p>	<i>West Australian</i> (Perth WA, 27 th October 2010), 11.