

NATIVE TITLE IN THE NEWS - MARCH & APRIL 2001

National

In the first native title claim to be heard by the High Court since the 1996 Wik decision, the Miriuwung Gajerrong People of east Kimberley asked the Court to clarify the extent to which native title exists on pastoral leases and the basis for extinguishing land claims. The appeal is against a Federal Court ruling last year in a case brought by the WA and NT governments that reversed a 1998 decision giving the Miriuwung Gajerrong control of 7,900 sq km of land which included the Ord River irrigation area and the Argyle Diamond Mine. A ruling is expected later in the year. (*Australian* 6 March 2001, 7 March 2001)

The Yorta Yorta People filed application in the High Court seeking special leave to appeal a Federal Court decision upholding a Trial Court's finding that their connection to land had lapsed. (*Koori Mail* 21 February 2001, *Riverine Herald* 16 March 2001)

The High Court heard an appeal that will determine whether native title sea rights include exclusive hunting and fishing rights. The appeal involves a claim to native title over waters around Croker Island in the Northern Territory. (*Koorie Mail* 21 February 2001)

New South Wales

The Maaingal Clan have threatened a court injunction to block a decision to declare Stockton Beach, near Newcastle, as a national park. While the Worimi Land Council has dismissed the threat as groundless, the arrangement between it and the state could be delayed for several years while the native title claim is being tested in the courts. (*Newcastle Herald* 26 February 2001)

Shire councils, including Bathurst and Evans, are responding to an Aboriginal land claim involving an area roughly including Cowra to the Blue Mountains and Crookwell to Penrith. The claim in behalf of the Gundungurra Tribal Council Aboriginal Corporation was registered in June 2000 by Elsie and Pamela Stockwell. Notice of the application was forwarded to the local governments in November 2000. No date for a hearing of the claim has been set. (*Western Advocate* 7 March 2001)

Western division landholders were warned by the NSW Farmers Association that the cut off dates were quickly approaching for registering their interest in two area native title claims. They need to have registered so they can contribute in the progress of claims, made by the Barkandji clan, by February 28. The Association offered to represent landholder interests in the claims. (*Western Herald* 22 February 2001)

Notice of a land use agreement between the Arakwal People and NSW gives unidentified prospective native title holders three months in which to object. The

agreement would see the creation of the Arakwal National Park at Cape Byron. (NNTT 7 March 2001)

Elders of the Walbunja clan met with Eurobadalla Shire Council to explain what it would mean if they became native title claimants. Of the two claims in the area, the Broulee have asked for theirs to be discontinued which, if agreed to, will leave only the Walbunja claim. (*Sussex Inlet Times* 7 March 2001)

A conclusion has nearly been reached in two native title claims which include the Clarence Valley between Casino and Grafton. The claims have been made by the Yaegl, Bundjalung and Gumbaynggirr Peoples in Maclean Shire and the Bandjalang People between Casino and Grafton. (NNTT Media Release 7 March 2001)

The NNTT has called for affected land owners to register for talks in claims by the Ngayabul People for land in the Ballina region and by the Djiringanj People to an area on the far south coast. (NNTT Media Release 18 April 2001)

The NNTT has called for affected landowners to register for talks related to a land claim by Donald Bell on behalf of the Ngunawal which covers areas in the southern tablelands. (NNTT Media Release 18 April)

Victoria

The Southern Grampians Shire Council will become a party to the Gunditjmara land claim in the Hamilton region of western Victoria. The area is 20,360 sq km in extent and includes inland waterways, a sea claim and the Grampians National Park, among others. Advising the Council, Bronwyn Herbert said that becoming a party to the claim enables better understanding of the applicants and their issues and, importantly, would include the Council in the mediation process. The NNTT extended the registration period to the end of May to allow off-shore fishing interests to make submissions. (*Hamilton Spectator* 20 February 2001, *Portland Observer* 21 March 2001)

SAMAG has signed a Mining Native Title Agreement with representatives of the Adnyamathanha People, one of two claimants over the proposed mining site near Leigh Creek. (*Port Augusta Transcontinental* 28 March 2001)

South Australia

The NNTT has given public notice of an Indigenous Land Use Agreement between the Narungga People and the South Australian Government. Barring objections, the Narungga People will surrender their native title rights to allow the development of Vincent Landing, a subdivision and marina on the Yorke Peninsula. This will be the eleventh ILUA nationally and the first in South Australia. (*Yorke Peninsula Country Times* 27 February 2001)

Native title claimants who have an interest in land and waters within Nukunu in Port Pirie are asked to come forward and take part in a mediation to settle the

claim and have three months to register as parties to the application. (*Port Pirie Recorder* 20 February 2001)

Information sessions are being held for fishing enthusiasts in the Eyre Peninsula to help them become aware that their rights can exist alongside those of the Indigenous owners. The sessions, run by the NNTT, are held to provide information about native title applications in the region. (*Loxton News* 28 February 2001)

A complicated agreement between three Aboriginal communities in the state's far north, the state government and six oil and gas companies has been brokered by the Aboriginal Legal Rights Movement. The negotiations centred on compensation and heritage. The deal will allow development of land in the Cooper Basin previously held under licence by Santos since the 1950s around the gasfields town of Moomba. (*Ad* 17 April)

Queensland

In an historic deal the people of the Mapoon settlement in western Cape York, the Queensland government and the mining company Comalco have signed a land use agreement. As part of the signing Queensland Premier Peter Beattie apologised to the former residents of the mission near Weipa. In 1963 the Queensland Government saw the community's homes, school and church burnt to the ground when it forcibly removed the residents to the tip of Cape York. Regarding the agreement, Comalco Executive Keith Johnson expressed his delight, saying, 'It forges even stronger bonds under which Comalco, Traditional Owner[s] and community aspirations for co-operative and fruitful relationships in the Western Cape can be realised.' (*CM* 14 March 2001)

Notices inviting affected landholders to register for talks have been issued for four north Queensland applications by the Wakamin People, the Ewamian People, the Bindal People and the Jirandali People. (NNTT 7 March 2001)

The Gooreng Gooreng, Bailai and Gurang native title claimants and the Gladstone Area Water Board have reached a land use agreement to allow the raising of the water level in the Awoonga Dam to its capacity. (NNTT 20 March)

The NNTT has asked affected interest holders in the Western Yalanji claim in Mareeba and Cook Shires and in the Iman People's claim in the Shires of Chinchilla, Tara and Wambo to register for talks. (NNTT 18 April 2001)

Other applications in Queensland over which notice has been given to register for mediation involve the Gooreng Gooreng People for area near Miriam Vale, the Gurang People for area near Fitzroy, the Ghungalu for area near Emerald, the Taribelang Bunda People for area near Hervey Bay, the Wangkumarra People for area near Quilpie and the Bidjara for area near Barcaldine. (NNTT 1 March 2001)

Geraldton City Council have asked the NNTT to become a party to the mediation process in a native title claim which covers Council controlled land and waters. (*Geraldton Guardian* 4 April 2001)

Affected landowners have been asked to register for mediation in claims in the Torres Shire by the Badu Islanders and the people of Aureed Island, near Fitzroy by the Barada Barna, Kabalbara and Yetimarla Peoples and in the Roma area by the Mandandanji People. (NNTT 4 April 2001)

Local councils and pastoralists have expressed frustrations about land use agreements in the native title process at a hearing at the Roma Bungil Cultural Community Centre. These hearings are being held throughout Queensland to listen to comments on the importance of Indigenous Land Use Agreements. (*Western Star* 23 March 2001)

Western Australia

Native title has been said to have become the focus of racism in Kalgoorlie-Boulder. A forum has been called to tackle the problem of the lack of knowledge about native title in the Goldfields. (*KM* 7 March 2001)

The WA government has initiated a review of procedures intended to facilitate the settlement of the state's 130 native title applications. The review will involve representatives from the NNTT, the Chamber of Minerals and Energy, Prospectors and Leaseholders Association of WA, land councils, government and Aboriginal communities. They hope to work together so they can all benefit from the resources available and achieve a better understanding of native title processes. (*KM* 20 April 2001, *KM* 21 April 2001)

Stirling is one of 10 metropolitan councils in the Perth region affected by a complex native title claim over many of its public reserves. The claims, which could involve half the of the Stirling Council's reserves, are on behalf of the Ballaruk and Nyoongar people. Legal Aid will pay Minter Ellison's fees in the case against the Indigenous claimants. (*Stirling Times* 27 February 2001)

The Pastoralists and Graziers Association's Native Title Committee took advantage of their annual conference to update committee chairmen on the current state of native title deliberations in Perth. This comes as a result of a native title claim in the Pilbara area which includes the Burrup Peninsula. (*Farm Weekly* 1 March 2001)

A native title claim by the Nyoongar People covers 30,000 sq km of the state's south west, including the city of Bunbury. Speaking for the Noongar People, Joe Northover said the claimants hoped to 'continue to do hunting and to maintain what sites we do have left...We are not land grabbers. We don't want to stop development, we want to be part of it.' Bunbury CEO Michael Whittaker said that the Council had

registered an interest, but would probably not be involved if the claim had no impact on the city. (*South Western Times* 15 March 2001)

A native title claim on the University of WA's Crawley campus has been held to have been extinguished due to the land's community purpose lease for education. The claim, made by the Ballaruk People, covered land and waters of the region and surrounding areas.(WA 30 March 2001)

The Federal Court in Perth has rejected a plea by the Kimberley Land Council for adjournment due to inadequate finances. The third such rejection this year, the KLC is struggling to represent Aboriginal applicants in a native title claim by the Mowanjum People to 70,000 sq km of land near Derby in WA's far north. (WA 26 April 2001)

Northern Territory

An area spanning over 100,000 ha in Arnhem land was officially declared protected after traditional owners agreed to its inclusion in the Northern Territory's first Indigenous Protected Area. (*The Northern Territory News* 17 March 2001)

As part of a deal with the NT government, the Larrakia People have waived their native title claim to Darwin's port development area at East Arm Port. The decision was said to be mutually beneficial, but depends on the NLC's efforts to have two other claims in the area removed. (*Aus* 28 March 2001, *Northern Territory News* 28 March 2001)

The NNTT has given permission for a land use agreement between the mining company Giants Reef Exploration and the Central Land Council over 7,500 sq km of land around Tennant Creek. The final approval of this agreement will clear the way for mining, exploration and related activities as well as protection and rehabilitation of the environment and the protection of native title rights including sacred sights. (*Tennants & District Times* 23 March 2001)

ACT

Two of the three groups of the Ngunawal People have negotiated a deal with the ACT Government over management of Namadji National Park which would extinguish native title. The third group continues their claim to the 106,000 ha area. All three groups are claiming other crown land. (*CT* 29 April 2001)