

Doepel, said the Pandawn application had been unsuccessful in meeting all the criteria in the registration test.

The application failed on six grounds including that it did not demonstrate traditional physical association with the area under application and did not show that the applicants had maintained native title in accordance with any traditional laws and customs. Mr Doepel said the test, introduced as part of amendments to the *Native Title Act* in 1998, determined which native title applicants had the right to have a say over proposed mining, exploration and some other developments in the area where their native title application was pending.

To date, the registration test had been applied to 28 native title applications in Western Australia, 15 of which had passed and 13 were unsuccessful. Mr Doepel said the applicants could appeal the Tribunal's decision. (*NNTT Media Release, 28 Apr*)*

Mullewa Wadjari Community [NNTT Ref#WC96/93]

A native title application in the mid-west of the State has passed the registration test under the amended NTA. National Native Title Tribunal Registrar, Chris Doepel, said the Mullewa Wadjari application, extending east from Geraldton, met all criteria in the test. Mr Doepel said this means that the Mullewa Wadjari people will maintain the right to have a say over - but not veto - proposed mining, exploration and some other developments in the area while their native title application is pending. (*NNTT Media Release, 30 Apr*)

MINING AND NATURAL RESOURCES

Commonwealth

Notification of Mining Rights

The Commonwealth has notified the public about intermediate period acts consisting of the creation of a right to mine or the renewal and/or extension of the period for which such a right has effect. Intermediate period acts are those which took place between the period 1 January 1994 (commencement of the NTA) and 23 December 1996 (the *Wik* decision).. Under the NTA as amended, these acts are validated. Details of grants and renewals can be found on the following website: <http://www.dpie.gov.au/resources.energy/nativetitle/index.html>. For further information, contact the Department of Industry, Science and Resources through Mr John Thompson on phone (02) 7272 4456, fax (02) 6272 4890; or Mr Peter Smith on phone (02) 6272 5707, fax (02) 6272 4137. (*QNT, Apr, p3*), (*DPIE website*)

Beverley Uranium Mine

A media release organised by the Jabiluka Action Group and Nuclear Issues Coalition, states that the Adnyamathanha community of the Northern Flinders Ranges have consistently opposed uranium mining in the Flinders Ranges since the 1950s. According to the Chairperson of the Adnyamathanha Native Title Management Committee (ANTMC), native title agreements over the area were signed under duress in August 1998. The Chairperson says that the process of consultation was denied to the native title applicants throughout the Environmental Impact Statement because Heathgate Resources were threatening court action if the ANTMC failed to sign an agreement half way through the two month public consultation period. (*Media Release, 19 Mar*)

Commonwealth Environment Minister, Senator Robert Hill, has responded to concerns raised by the Adnyamathanha community about the Beverley uranium mine, saying he would like the mine to proceed. He said the agreement that Heathgate Resources secured with

Indigenous people is regarded as very positive. Senator Hill said his understanding is that the Aboriginal community has been very supportive and only a small number of people are disputing that. (*CT, 5 Apr, p18*)

The Minister for Industry, Science and Resources, Senator Nick Minchin, has announced that the Commonwealth Government has cleared the way for Heathgate Resources to proceed with its Beverley uranium mine project. (*Media Release, 30 Apr*)

Queensland

Notification of Mining Rights

The Queensland State Government has notified the public about intermediate period acts consisting of the creation of a right to mine or the renewal and/or extension of the period for which such a right has effect. Intermediate period acts are those which took place between the period 1 January 1994 (commencement of the NTA) and 23 December 1996 (the *Wik* decision). Under the amended Commonwealth and State Native Title Acts these acts are validated. Details of grants and renewals can be found on the following website: <http://www.premiers.qld.gov.au/about/nativetitle/homepage.html>. For information contact the relevant departmental contact officer. Further queries to Native Title Services on freecall 1800 500 037. (*QNT, Apr, p4*)

South Australia

Government Task Force

The South Australian Government has set up a task force aimed at minimising delay to new mining projects. The Premier, Mr Olsen, sited native title as a major cause of delay. Industry figure, Mr Richard Ryan, will head the task force with other members to be decided by the industry. The task force will reprimand Government departments that cause a delay to new projects of more than two weeks. The task force's first report on an inquiry into the industry is due in September. (*Ad, 6 Mar, p39*)

Western Australia

Murrin Murrin Nickel Project

The National Native Title Tribunal has cleared the way for the grant of eight mineral tenements to Anaconda Nickel Limited for the expansion of the Murrin Murrin nickel project between Leonora and Laverton. Tribunal Member, Hon Chris Sumner, ruled that the tenements could be granted with some conditions to protect the interests of the Bibila Lungkutjarra people.

On 18 May 1998, the Tribunal was asked to decide the matter after Anaconda Ltd was unsuccessful in negotiating an agreement, which included all seven native title parties with an interest in the tenement areas. Thirty other tenements had already been granted by agreement with native title applicants. The eight tenements, ranging in size from 62 to 759 hectares, were for the extraction of ore and involved significant excavation of the land.

Conditions included:

- giving the Bibila Lungkutjarra people unlimited rights of access to the tenements except in parts where mining or exploration was underway;
- protection of sites of cultural significance; and
- keeping the Bibila Lungkutjarra people informed on the details of the mining project, including environmental monitoring.

The Tribunal concluded that the six other native title parties had already effectively given their approval to the grant of the tenements in earlier agreements negotiated with the company. A series of other tenements for Stage II of the Murrin Murrin project remained before the Tribunal for a decision on whether they could be granted.

In this decision, Mr Sumner said it was his firm opinion that the interests of all parties would be served by further negotiation. He said that outstanding issues under the various agreements could be addressed and importantly a mechanism found for Anaconda to realise its commitment to pay a substantial sum per annum into a charitable trust.

The Tribunal conducted hearings and detailed inquiries in Perth and Leonora, including a visit to the Murrin Murrin plant site, the general areas of the proposed mining leases and other areas of interest to native title parties. (*NNTT Media Release, 19 Mar*)

AGREEMENTS

International

Nunavut

A new territory has been formed in Canada after agreement between the Canadian Government and the Inuit people. The territory of Nunavut, which came in to being on 1 April 1999, covers around two million square kilometres of Canada's Northwest Territories. (*SMH, 2 Apr, p4*)* Under the agreement, the Inuit will have absolute title to areas of land totalling 350 000 square kilometres. Within areas totalling 10 per cent of that land, the Inuit will have rights to minerals. The agreement also includes funding that the Inuit will use to fund business, to provide student scholarships and hunting equipment. There is also provision for a training trust fund from federal government royalties from mining on Crown lands. The key institutions of the territory will have half their members from Inuit people with the other half being appointed by the Canadian and Nunavut governments. The Nunavut Government is expected to be representative of the territory's population, with more than 85 per cent being Inuit. As part of the agreement, the Inuit surrendered 'any claims, rights, title and interests based on their assertion of an aboriginal title'. (*Aus, 5 Apr, p36*)

New South Wales

Adelong Area Agreement

Australia's first Indigenous land use agreement under the amended NTA, moves into public notification today. The Area Agreement between Adelong Consolidated Gold Mines NL, the NSW Aboriginal Land Council and representatives of the Walgalu and Wiradjuri people in the Tumut and Adelong area of NSW, was the first lodged for registration with the National Native Title Tribunal. Tribunal Registrar Mr Chris Doepel said under the amended NTA, the process of registration with the Tribunal ensures that the Agreement has contractual force.

The NSW Aboriginal Land Council - as the Native Title Representative Body - has certified the Adelong Area Agreement, saying it undertook a consultation process to identify the potential native title holders in the area and obtained their authorisation for the Agreement. The Tribunal has placed advertisements about registration of the Adelong Area Agreement in national, state and local newspapers. The advertisements say people who claim to have native title to the area have until 9 June to lodge an objection to registration of the Agreement.