

bitre

Chapter 1

Introduction to Northern Australia



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Background

This is a statistical compendium of data relating to that region north of the Tropic of Capricorn, named 'Northern Australia' by the Australian Government at the inception of its Office of Northern Australia. In addition to tabulated and graphed statistical data, the compendium discusses essential characteristics of Northern Australia and provides comparisons with the rest of Australia. The compendium provides information on population, economy and workforce, social conditions, transport, infrastructure, climate, land use and industry in the region.

The compendium is published in two formats: electronic and print. The electronic version is available on the Internet and on CD. It includes detailed background data in addition to this overview document. This allows for more in-depth information to be provided on each of the regions, particularly at the statistical local area (SLA) and urban centres and localities (UCL) level.¹

Objectives of the study

The main objective of the compendium is to provide relevant statistical information and an overview of the basic characteristics of social and economic developments in Northern Australia. The compendium is intended to support fact-based policy dialogue and formulation of policies conducive to economic development and social wellbeing.

The data has been drawn from BITRE's own sources, the ABS and national and state statistical and administrative collections. This publication focuses on conveying the underlying data in as simple and effective a way as possible. Only limited commentary pointing to broad trends is provided, without an attempt to provide complex analysis or interpretation.

Scope and definitions

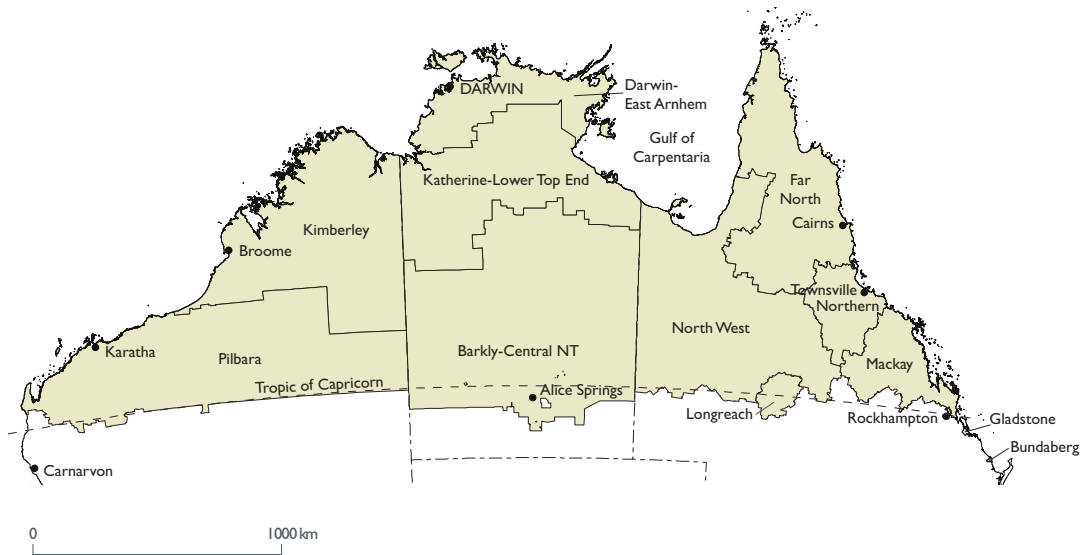
The scope of this compendium is limited to Northern Australia, which is defined to include that part of Australia which lies north of the Tropic of Capricorn. Where the data does not lend itself to meeting this definition precisely, approximations are given. For the purpose of illustrating important impacts on the developments in Northern Australia, the compendium includes some information on areas which are not regarded as part of Northern Australia, such as Alice Springs, Longreach, Rockhampton and Gladstone.

1. For regions SLAs data was aggregated and for major towns in those regions, UCL data was used wherever available.

The compendium conveys information about Northern Australia on a number of levels. It presents data for SLAs and UCLs, which are based on the Australian Standard Geographical Classification (ASGC).

Along with providing data for Northern Australia as a whole, this compendium provides information relating to a number of subregions within Northern Australia. These are the Pilbara and Kimberley regions in Western Australia; the Barkly Central NT, Katherine-Lower Top End and Darwin-East Arnhem regions in the Northern Territory; and the Longreach, Mackay, North West, Northern and Far North regions in Queensland (shown in Map 1.1). These are aggregations which BITRE created for the purpose of this compendium.

Map 1.1 Northern Australia—BITRE subregions



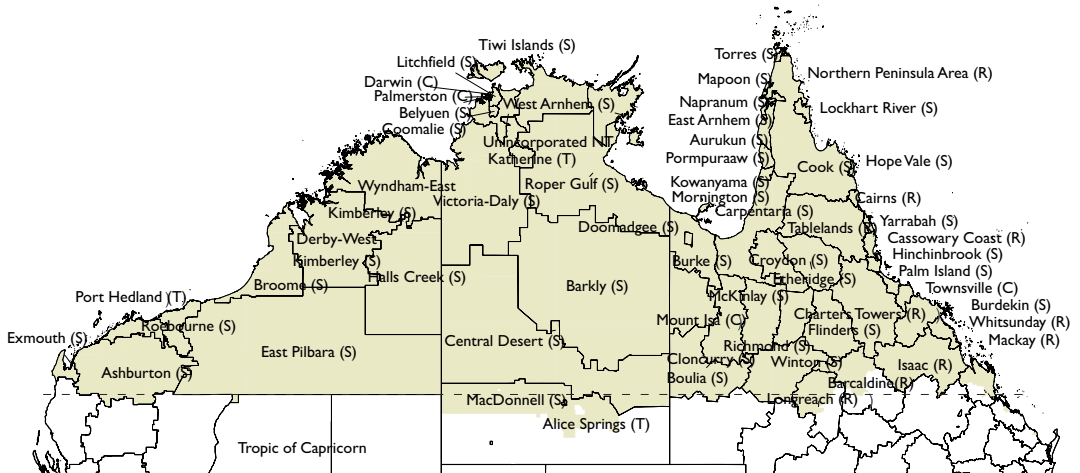
Source: Geoscience Australia (2008 unpublished).

Local Government Areas

There were 114 Local Government Areas (LGA) in Northern Australia in 2006. The current (2008) geography of LGAs within Northern Australia is shown in Map 1.2. LGAs represent the area of responsibility of a Local Government Council or an Aboriginal Council. Local government bodies perform a wide range of functions in the areas they administer, operating within the relevant state or territory legislation. The number of LGAs, as well as their boundaries and names, vary over time. LGAs may contain a number of Statistical Local Areas (SLA).²

2. Maps showing the SLAs within Northern Queensland, Western Australia and Northern Territory are included in the Appendix.

Map 1.2 Northern Australia—Local Government Areas, 2008

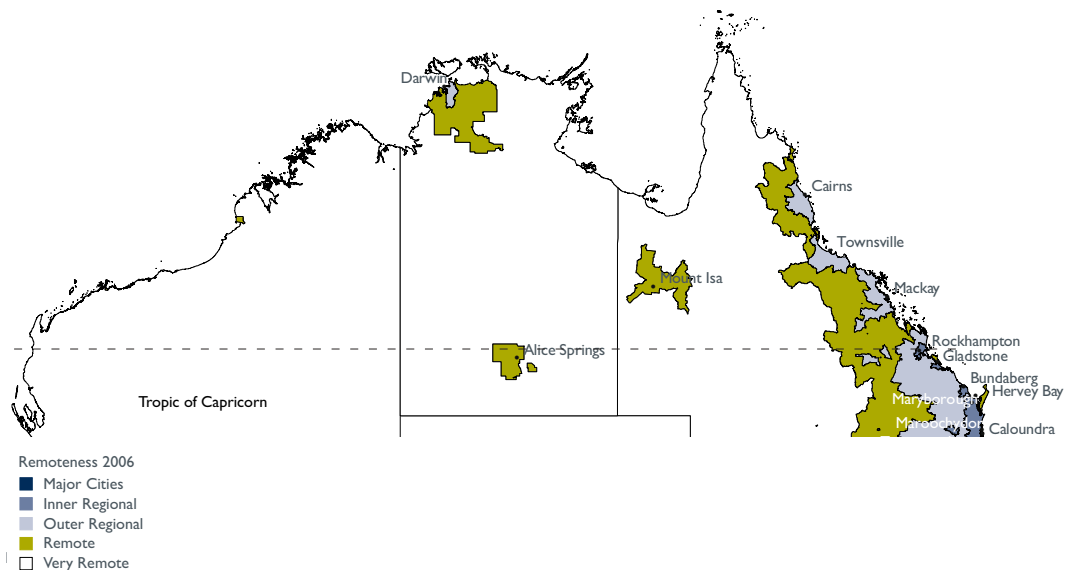


Source: ABS (2008a).

Remoteness Classes

As seen in Map 1.3 the majority of Northern Australia is classed as a very remote region. The remainder of Northern Australia comprises remote areas, and some outer regional areas in and around north-eastern Queensland and the Darwin-East Arnhem Region. Across Northern Australia there are no areas classified as major cities or inner regional areas. Furthermore, in many areas there is a large distance to the nearest major city. The largest urban centres in Northern Australia are: Townsville-Thuringowa with 128 807 people in 2006, Cairns (including Northern Beaches), with 113 843 inhabitants, Mackay with 66 874 and Darwin with 66 290 people respectively.

Map 1.3 Remoteness classes in Northern Australia, 2006



Source: ABS (2006a).

Land tenure

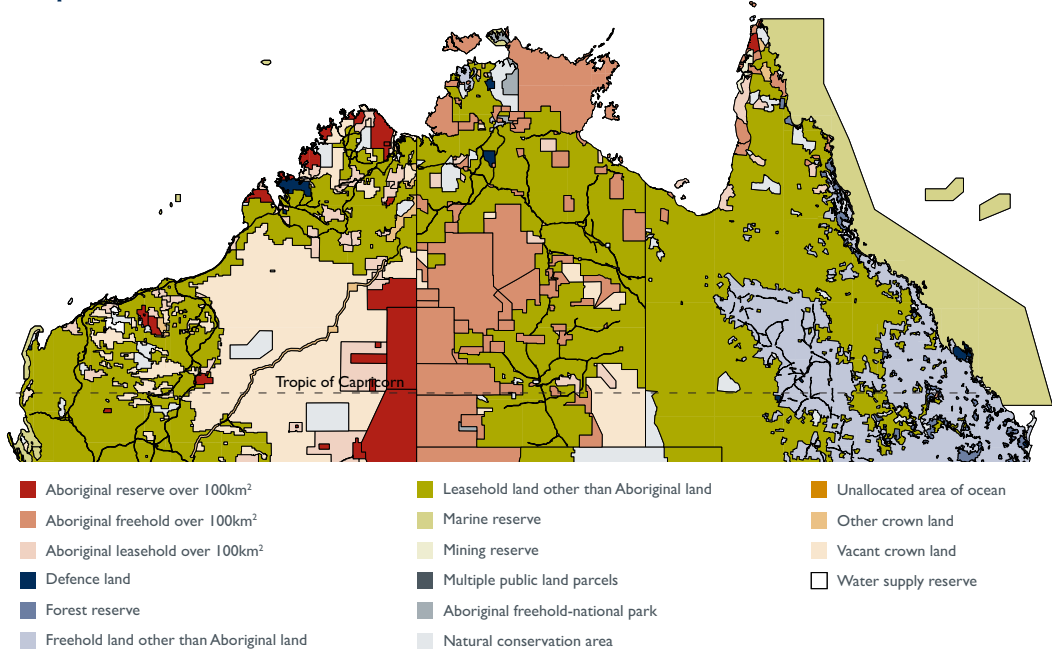
Land tenure in Northern Australia is very complex. Land tenure classes may differ between states and territories. Map 1.4 is based on a broad, nationally consistent master classification of land tenure which incorporates land tenure types currently in use by the relevant state and Commonwealth land administration agencies. For more information on each classification, see Geoscience Australia (2004).

Much of the land across Northern Australia is leasehold land. This is predominantly used for grazing, agriculture or pastoral purposes. A substantial part of the land in the north of the Northern Territory is owned by Aboriginal communities. There is also a large area owned collectively by Aboriginal communities within northern Western Australia, as well as in parts of Far North Queensland. Such land is held and controlled by designated Aboriginal communities, with special conditions attached to the titles.

Within northern Queensland, leasehold land is dominant. The second largest form of ownership is freehold. This reflects the large amount of privately-owned farms, homes and so forth within the area. Forest reserves are also present along the north-east Queensland coast, as are marine reserves along the Great Barrier Reef. Outside of northern Queensland, large proportions of forest reserves and freehold land other than Aboriginal land are not seen in Northern Australia.

Vacant crown land is seen across large parts of northern Western Australia and some parts of the Northern Territory. Defence land is found in the Kimberley Region, Northern Territory, and the Northern Queensland region.

Map 1.4 Northern Australia—land tenure, 1993



Note: Aboriginal land is land held collectively by Aboriginal communities; it does not include land which is owned under ordinary titles by individual Aboriginal people.

Source: Geoscience Australia (2004).

Native title

On 3 June 1992, the High Court of Australia recognised that the Meriam people of the Torres Strait held native title over part of their traditional lands. This decision called Mabo paved the way for Aboriginal and Torres Strait Islander people seeking to have their native title recognised under Australian law.

Native title is a set, or bundle, of rights and interests in relation to land or waters that has the following qualities: it is possessed under the traditional laws currently acknowledged, and the traditional customs currently observed, by the relevant Indigenous people. Those Indigenous people have a 'connection' with the area in question by traditional laws and customs. These interests are recognised and incorporated in the common law of Australia when determined and registered under the native title.

Native title:³

- is recognised through a determination made by the Federal Court, High Court or by some state and territory courts
- cannot be recognised: if native title has been extinguished over a particular area because of things the government has done, or allowed others to do, that are inconsistent with native title; if the claimants fail to prove that they have maintained their traditional laws and customs; or if the common law of Australia does not have the capacity to recognise the rights claimed
- may vary from group-to-group because it gets its content from the traditional laws and customs of the particular group
- may exist alongside non-native title rights. This is sometimes called 'coexistence'. However, native title rights and interests are always subject to the rights of other people who share the same area. People with leases, licences or a right of public access continue to have those rights. Native title rights and interests must give way to people exercising those other rights.

In April 2009, 120 determinations of native title were registered Australia-wide, with 85 determinations that native title exists and 35 that native title does not exist (see Table 1.1). Determinations that have found native title to exist in the entire or part of the determination area account for approximately 12.1 per cent of the Australian land area, with 26 per cent of Australia's determinations being in Western Australia. Queensland, Northern Territory and Western Australia accounted for 86 per cent of Australia's determined native title cases and 92 per cent of the determined native title.

3. Justice Brennan in Mabo described the nature of native title as a very complex legal concept: Native title has its origin in and is given its content by the traditional laws acknowledged by and the traditional customs observed by the indigenous inhabitants of a territory. The nature and incidents of native title must be ascertained as a matter of fact by reference to those laws and customs. The ascertainment may present a problem of considerable difficulty ... (after Altman, J C, Buchanan G J and Larsen, L 2007).

Table 1.1 Western Australia, Northern Territory and Queensland—native title cases

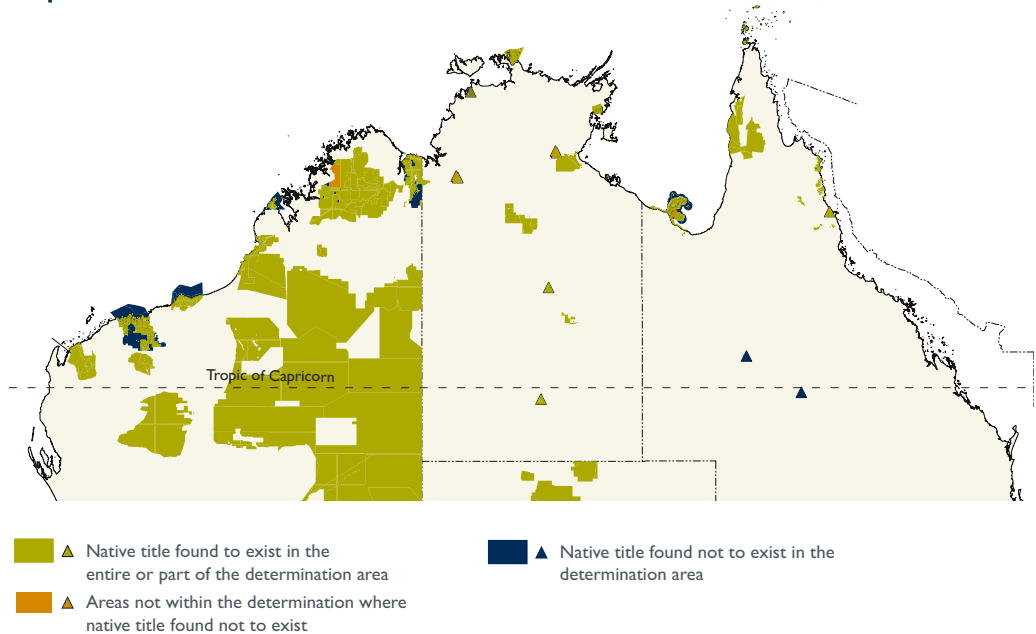
<i>Category/state</i>	<i>Western Australia</i>	<i>Northern Territory</i>	<i>Queensland</i>	<i>Australia total</i>
Native title found to exist (square kilometres)	791 865	20 634	29 772	914 824
Per cent of total	86.6	2.3	3.3	100.0
Native title exists in part of determination area	12	4	9	35
Native title exists in entire determination area	10	6	32	50
Total number of cases determined positively	22	10	41	85
Determinations that native title does not exist	1	1	2	35
Total number of cases submitted	23	11	43	120

Source: Native Title Tribunal (April 2009a).

The tabulated numbers and Map 1.5 do not illustrate where and how much of Australia covered by native title determinations is actually held by Indigenous Australians in a manner that could be considered equivalent to landholdings. The strongest form of native title is found in determinations that recognise claimants' right to possess, occupy, use and enjoy land to the exclusion of all others—that is, exclusive possession or possessory native title. These areas of exclusive possession native title are the closest equivalent to statutory freehold titles to land held by Indigenous Australians.

At present, the agencies entrusted with the native title determination and registration do not provide summary data on the number, area or location of exclusive possession native title determinations. However, some authors point out that determinations in Western Australia which provide the best indication of the contribution of exclusive possession native title areas to the Indigenous estate (Altman et al 2007 p.14).

Since Mabo, there has been much debate about the nature of native title as it might relate to ownership of land. It has been argued widely in the literature that the High Court's decision in *Western Australia v Ward* (Ward) in 2002 confirmed the view of native title as a bundle of rights rather than an underlying title to land. Such a bundle could include rights to possess, occupy, use and/or enjoy an area as per the native title holders' traditional laws and customs—for example, a bundle may include rights to live or to camp on land, to mine ochre, to hunt, fish and gather food, or to conduct ceremonies or to visit important sites. A bundle of rights may be so extensive as to amount to a right of exclusive possession, which includes the right to control access to, and use of, an area. From this perspective native title determinations (even individual native title determinations) may include rights and interests in land that span the entire spectrum mentioned above, from a strong right of exclusive possession through to weaker partial native title rights of, for example, visitation or hunting (Altman et al 2007 p.15–17).

Map 1.5 Northern Australia determinations of native title, 2009

Notes: Some or parts of some determinations may not yet be in effect or on the National Native Title Register.
 Some determinations are subject to appeal or in the appeal process.
 Small areas are symbolised.
 Conditional determination.

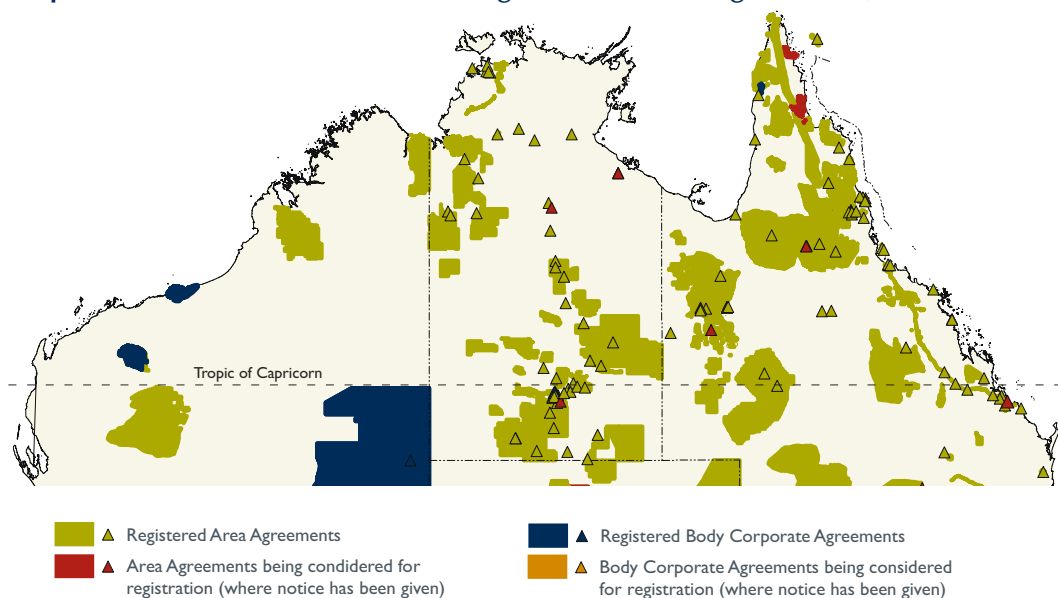
Source: NNTT 2009.

Amendments to the Native Title Act in 1998 introduced Indigenous land use agreements (ILUA). It is an agreement between a native title group and others about the use and management of land and waters. When registered with the Tribunal, ILUAs bind all parties and all native title holders to the terms of the agreement. The advantage of an indigenous land use agreement is its flexibility. It can be tailored to suit the needs of those involved and their particular land use issues. It is also a faster way of resolving native title issues: on average, it takes about two years longer to pursue a native title claim through the courts than it does to sit down and negotiate a settlement.

ILUAs cover a wide variety of subjects and may be used as part of the negotiations leading to a consent determination of native title. Alternatively, they may be entirely separate from the determination process. As of May 2009, the National Native Title Tribunal had registered 369 ILUAs nationally, including 200 in Queensland, 92 in Northern Territory and 12 in Western Australia (see Map 1.6). These three states accounted for 82 per cent of total Australian Indigenous land use agreements (National Native Title Tribunal, 2009b).

Native title claimants and those recognised as native title holders have the right to negotiate about some future acts, such as the grant of a mining lease or proposed developments. Claimants only gain this right if their native title claim satisfies all of the registration test conditions.

Map 1.6 Northern Australia Indigenous land use agreements, March 2009



Notes: Areas shown represent the geographic extent of the agreement.
Small areas symbolised.
Only those agreements which have either been registered or notified since 31 December 2008 have a label on this map.

Source: NNTT 2009.

Following chapters

The organisation of this compendium is as follows:

Chapter 2 presents information about the population of Northern Australia, paying attention to population size and growth rates; population density; ethnicity; age and sex profiles; and migration.

Chapter 3 evaluates economic growth, employment by industry, and income levels in Northern Australia.

Chapter 4 reviews the workforce of Northern Australia, by considering labour force participation rates; employment and unemployment; labour force size; and work qualifications and education levels.

Chapter 5 examines day-to-day living, paying attention to income support; wealth; the cost of living; schools, universities and TAFE institutions; and health services.

Chapter 6 reviews transport within Northern Australia, including trade via maritime ports, aviation, railways and roads.

Chapter 7 discusses Northern Australia's infrastructure, focussing on electric power, generation and supply networks, water storage and supply, natural gas deposits and telecommunication.

Chapter 8 presents data relating to natural resources in Northern Australia, including cyclonic activity, rainfall and temperature trends, ocean depths and soil types.

Chapter 9 examines industries within Northern Australia, paying particular attention to business activity over time, mining operations and tourism.

In addition to these chapters, detailed background data is provided in an online document (available at www.bitre.gov.au).