

**MEDIA
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Howard plan resurrects *terra nullius*

The Government's attempt to limit compensation to holders of Indigenous property rights may be unconstitutional and could be rejected by the High Court according to two of Australia's foremost land planning and valuation experts. John Sheehan and Ed Wensing reach this conclusion in an assessment of the Native Title Amendment Bill 1997 published today in the *Newsletter* of the Canberra think tank, The Australia Institute.

The authors also argue that the Government's insistence on removing the 'right to negotiate' in towns and cities may be reinstating a form of 'terra nullius' and could be construed as being racially discriminatory. The authors warn that if this provision is enacted into law it could be untenable for many professional land use planners and managers to continue practicing in accordance with their code of professional and ethical conduct.

The removal of the right to negotiate and the limit to compensation are two of the three points of the Prime Minister's ten-point plan that have been rejected by the Senate. The Government intends to resubmit its Native Title Bill to the Senate next week and has said that, if rejected again, it could serve as a trigger for a double dissolution.

Commenting on the proposed removal of the right to negotiate, Mr Sheehan said: "This provision would make towns and cities the province of non-indigenous peoples, and planners could find themselves caught up in dispossession of Aboriginal people from their rights and interests in land".

Ed Wensing is a planning consultant and former National Policy Director of the Royal Australian Planning Institute, and John Sheehan is a chartered town planner. Their article is based on a lengthy discussion paper soon to be published by the Institute.

The Institute's newsletter also contains an analysis of Australia's 'victory' at the Kyoto climate change conference suggesting that, while the Government continued to tell the world community that cutting emissions would be very expensive for Australia, an unpublished study by ABARE indicated that ending emissions from land clearing would be very cheap. Copies of the *Newsletter* are available from the Australia Institute by telephoning 02 6249 6221.

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