

Native Title Newsletter

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July/August 2006

No. 4/2006

WHAT'S NEW WITH THE NTRU!

The native title resources guide has now been updated.
Go to <http://ntru.aiatsis.gov.au/>

For timely updates sign up to our to our WHAT'S NEW
posted monthly on our website
http://ntru.aiatsis.gov.au/publications/whats_new.html

The Native Title Newsletter is published every second month. The newsletter includes a summary of native title as reported in the press. Although the summary canvasses media from around Australia, it is not intended to be an exhaustive review of developments. The Native Title Newsletter also includes contributions from people involved in native title research and processes. Views expressed in the contributions are those of the authors and do not necessarily reflect the views of the Australian Institute of Aboriginal and Torres Strait Islander Studies.



BREAKING NEWS

AUSTRALIAN GOVERNMENT REFORMS TO THE NATIVE TITLE SYSTEM

Prepared by Native Title Unit of the Attorney-General's Department

On 21 August 2006 Attorney-General, the Hon Philip Ruddock MP, announced details of the Government's proposals to improve the resolution of native title claims. The proposals comprise a significant element of the Australian Government's broader package of complementary measures to improve the performance of the native title system as a whole. The Attorney-General has previously observed that the overall structure of the *Native Title Act 1993* is well established and the system is working, as evidenced by the increasing number of native title determinations and agreements. However, the framework remains too time consuming and expensive, and all stakeholders recognise there is significant room for improvement. The Government is implementing a coordinated package of reforms across all elements of the system, with a view to ensuring native title processes work more effectively and efficiently in the interests of all parties.

The Claims Resolution Review

The Federal Court and the National Native Title Tribunal (NNTT) are central to the native title system and play a key role in the resolution of native title claims. In late 2005 the Attorney-General established a review of the processes for resolving claims and appointed two independent consultants, Mr Graham Hiley QC and Dr Ken Levy to undertake the review. The consultants were asked to examine the role of the Court and NNTT in resolving claims and to advise the Government on measures for the more efficient management of claims within the existing framework of the Native Title Act.

The consultation process was extensive, including meetings in most State and Territory capitals with key stakeholders, as well as the consideration of 36 written submissions to the review. Stakeholders who participated in this process include representatives from Native Title Representative Bodies, key industry groups, State and Territory government officials, private legal practitioners, the Federal Court and the NNTT.

In announcing the Government's proposals, the Attorney-General released the detailed report of the

Review together with the Government's response. The response accepts most of the 24 recommendations made by the consultants, and adopts one of the options for institutional reform identified in the report.

Key elements of the Government response

Better communication and coordination

The Government considers it essential for the NNTT and the Court to work closely together to provide a spectrum of dispute resolution processes that can be applied as appropriate to claims. Measures to assist both institutions to operate with a common purpose are critical to enhancing the effectiveness of the native title system. Accordingly, the Government's response outlines measures to strengthen coordination between the NNTT and the Court, both in relation to particular claims and as well as in approaches taken by both institutions to broader case management. The measures include proposals for improved communication between the institutions, changes to enable the NNTT to assist the Court on specific matters (such as through a right to appear before the Court) as well as on progressing mediation in regions (through provision of regional mediation reports and work plans).


Removing duplication of functions

It is currently possible for parties to native title matters to be in mediation before both the NNTT and the Court at the same time. This can create confusion for parties and has significant resource implications. The Review concluded some changes to the respective functions of the Court and NNTT were needed to address this issue and presented a number of options for institutional reform.

The Government's preferred option is to retain the existing requirement for the Court to refer claims to the NNTT for mediation, and to make clear the Court cannot order separate mediation of matters while they are subject to mediation before the Tribunal. Although the Court will remain able to conduct alternative dispute resolution procedures (including mediation) for native title claims in specific circumstances, the reforms will ensure parties are only in mediation before one body at one time.

Effectiveness of NNTT mediation

The Government agreed with the consultants' recommendations on measures to ensure NNTT



mediation is as effective and efficient as possible. The measures include conferral of enhanced powers upon the Tribunal, such as the power to compel parties to attend mediation and to require production of documents. The NNTT's functions will be broadened, including through provision for a new inquiry function relating to particular matters associated with claims.

Behaviour of parties

While modifications to the institutional arrangements are both necessary and appropriate, the Government recognises parties to native title proceedings have a vital role in improving the effectiveness of the native title system, and that timely resolution of claims will require the cooperation of all parties. Under the proposed changes, all participants in mediation before the NNTT will be required to mediate in good faith. There will also be greater responsibility on claimants to progress claims. Claims made in response to future act notices, where the future act has been completed, may be dismissed if the applicant fails to take reasonable steps to progress the matter. Applicants of unregistered claims will also be required to amend their claims or provide additional information in order to meet the merits requirements of the registration test. The Government is also considering measures to ensure participation by non-government respondents is better directed to issues relevant to their specific interests.

The Government has made clear the proposed changes are not intended to wind back rights of native title holders, or to upset the existing balance of rights within the system. However, the Government considers all parties involved in native title processes have a shared responsibility and interest in acting in a flexible way to secure meaningful and realistic outcomes.

Next steps

FEATURE

NATIVE TITLE VICTORY FOR THE NOONGAR PEOPLE

On September 19, Justice Murray Wilcox handed down a preliminary finding that the Noongar people had established native title rights and interests over the metropolitan area in Perth, as part of the wider single Noongar claim covering 193,956 sq km from Hopetoun in the south to north of Jurien Bay. The Noongar people, represented by the South-West Aboriginal Land and Sea Council (SWALSC), had lodged the Single Noongar claim in the court in September 2003. Wilcox J

The Government is currently preparing legislative amendments necessary to implement the recommendations from the review, along with other changes to give effect to the inter-related reform measures. The other measures include:

- minor and technical amendments to the Native Title Act to address specific issues identified by stakeholders in relation to the operation of the legislation
- reforms to the program for funding respondents to native title claims to strengthen the focus on resolution of issues through agreement-making
- measures to assist in the effective function of prescribed bodies corporate, the bodies established to manage native title once it has been recognised
- further liaison with key stakeholders, including State and Territory governments, on steps to ensure greater transparency and communication between all parties involved in native title matters
- Reforms to improve the responsiveness, effectiveness, and accountability of Native Title Representative Bodies, which are fundamental to the operation of the native title system.

Further information about the reforms to the native title system is available at <http://www.ag.gov.au/nativetitlesystemreform>. The report of the Claims Resolution Review and the Government's response are available at <http://www.ag.gov.au/claimsresolutionreview>.

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said that the claimants, communally, held native title rights and interests that had survived since sovereignty despite the impact of colonisation in the area and the disruptions in the practice of traditional laws and customs caused by settlement. The judgement did not resolve issues of extinguishment, and, due to the complexity of that inquiry the judge recommended that the parties reach a negotiated settlement.

The full decision is available at: http://www.austlii.edu.au/au/cases/cth/federal_ct/2006/1243.html

SOUTH AUSTRALIA'S FIRST CONSENT DETERMINATION

The De Rose Hill judgement and recognition ceremony was held on the 27th at Ilintjitjara on APY lands. The Yankunytjatjara people first lodged their claim with the National Native Title Tribunal on 9 December 1994. Initial mediation between the parties failed to result in an agreement leading to a trial hearing in the Federal Court. It lasted 69 days with Justice O'Loughlin reaching a decision in 2002 where he held that the claimants had lost their continuous link to the area. The decision was eventually appealed with three Judges in the Federal Court finding that the lead claimant, Peter de Rose, had passed through ceremonial Western Desert law and was bound by the rules of the country. This showed that he, and others who regarded themselves Nguraritja (traditional custodians or owners), had non-exclusive native title rights over the area.

The judgment also found that native title was extinguished where there were improvements on the land (such as houses, sheds, airstrips and constructed dams) built in accordance with the pastoral leases.

This resulted in the first recognition of native title in the state's history. The claim covered an area about 1865 square kilometres of land adjacent to the Anangu Pitjantjatjara Aboriginal freehold lands just 40 kilometres south of the Northern Territory border.

Based on the rules for coexistence established in The De Rose Hill decision, the claimants and pastoral lease holders in the surrounding area entered into

negotiations toward a sense of ILUAS and a consent determination.

South Australian native title claimants and the state government, resources industry, pastoral industry, local government and fishing industry are engaged in a plan to establish broad agreements in the form of indigenous land use agreements (ILUAs).

On the 28th at Marla, the Justice Mansfield handed down a consent determination following agreement of the State of South Australia and six Pastoral Lessees party to the neighbouring Yankunytjatjara/Antakirinja native title claim covered by pastoral leases. The ceremony brought an end to a 12 year struggle.



Picture of Peter De Rose and other Traditional Owners with Tribunal member Bardy MacFarlane at the handover.

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WHAT'S NEW

Senate Inquiries

Inquiry into the provisions of the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 and associated bills)


The Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2006 (the Transitional Bill), was introduced into Parliament on 14 September 2006, along with an associated bill, the Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006 (the Amendment Bill).

On 14 September 2006, the Senate referred the provisions of the Transitional Bill and the Amendment Bill to the committee for inquiry and report by 9 October 2006.

The committee intends to table its final report in relation to all three bills by 9 October 2006 and welcomes further submissions to the Transitional Bill and the Amendment Bill by 25 September 2006.

The bills, second reading speeches and Explanatory Memoranda are on the committee's website at www.aph.gov.au/senate_legal.

Please contact the secretariat on (02) 6277 3560 if you require further information.



Recent Cases

Please note that these cases are available at
<<http://www.austlii.edu.au/>>

[Griffiths v Northern Territory of Australia \(with Summary\) \[2006\] FCA 903 \(17 July 2006\)](#)

Involves an application for determination of native title in and around town of Timber Creek by the Ngaliwurru and Nungali Peoples. The court considered whether traditional systems of laws and customs has continued essentially uninterrupted since sovereignty and held that the Ngaliwurru and Nungali Peoples have established the existence of non-exclusive native title rights over the land and waters of Timber Creek.

[Kemp v Native Title Registrar \[2006\] FCA 939 \(25 July 2006\)](#)

Involves a judicial review of decision of Native Title Registrar to register Indigenous land use agreement. The Registrar's decision to register agreement was set aside.

[McKenzie v State of South Australia \[2006\] FCA 891 \(30 June 2006\)](#)

Involves a motion seeking leave to discontinue the proceedings SAD 27 of 2006.

[Wiri People No 2 v State of Queensland \[2006\] FCA 804 \(19 June 2006\)](#)

Court ordered: 1. The application for an extension of time in which to comply with the order made on 6 October 2005 be refused; 2. The applicant have leave to appeal against order 1.

[Kokatha Native Title Claim v State of South Australia \[2006\] FCA 838](#)

This decision involved a motion to excise a portion of their claim in relation to an overlap. It considers the exercise of discretion under s 67 of the Native Title Act 1993 (Cth) based on a series of factors including a lack of available funding, the significance of area to claimant group, prospects of mediation and settlement and the efficient administration of justice.

[Griffiths v Northern Territory of Australia \[2006\] FCA 903](#)

Involves an application for determination of native title in and around town of Timber Creek by the

Ngaliwurru and Nungali Peoples. It discusses the society of Ngaliwurru and Nungali Peoples existed at sovereignty in 1825 and whether same society continues to exist. It also discusses whether shift from patrilineal system of descent to cognatic system of descent constitutes fundamental change of normative system and subsequently whether the current society of Ngaliwurru and Nungali Peoples continues to enjoy native title rights and interests under traditional laws and customs. The case also considered extinguishment under s 47B of Native Title Act 1993 (Cth) and whether it can apply within a proclaimed township. It was held that native title exists in the entire determination area.

[Kemp v Native Title Registrar \[2006\] FCA 939](#)

This case involved a judicial review of decision of Native Title Registrar to register indigenous land use agreement. It considered whether requirements for registration in s 24CG(3)(b) of Native Title Act 1993 (Cth) had been met including the authorisation process where competing claims to hold native title in relation to land or waters in the area. In particular it focused on the meaning of 'all persons who hold or may hold native title in relation to land or waters in the area covered by the agreement' in s24CG(3)(b)(i). joinder application based on 'interests' of Shire Council in relation to exercise of its powers

[Butchulla People v State of Queensland \[2006\] FCA 1063](#)


This case considers whether authorisation for the current applicant's removal and replacement was given in accordance with s 251B of Native Title Act 1993 (Cth). It focused on whether all members of the claim group needed to be present at the meeting. It also discussed whether claim group obliged to use a customary process of decision-making or whether it could adopt a contemporary process.

[Akiba & Others on behalf of the Torres Strait Regional Seas Claim People v State of Queensland \(No 1\) \[2006\] FCA 1102](#)

Involves a joinder of the local government claiming that its interests were affected by the application. However French J found that there was no evidence of infrastructure or activities within the claim area and the joinder application refused on discretionary grounds.

[Yalanji People v State of Queensland \[2006\] FCA 1103](#)

Involves a determination for costs.



[Hillig as Administrator of Worimi Local Aboriginal Land Council v Minister for Lands for the State of New South Wales \(No 2\) \[2006\] FCA 1115](#)

This case involved an application to strike out claimant application. It was found that the applicant was not a member of the claim group and was not authorised by all members of claim group. A notice of intention to amend the claim group not given to members of original claim group and the amended claim group did not represent the totality of persons within claim group description.

[Myoung v The Northern Land Council \[2006\] FCA 1130](#)

This case considered the meaning of traditional Aboriginal owners under the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth).

(Sourced from NNTT Judgements and Information email alert service and the Federal Court's Native Title Bulletin)

Legislation

[Aboriginal Land Rights \(Northern Territory\) Amendment Bill 2006](#)

Content: Implement the Government's announcements of October and November 2005 regarding reforms to the Aboriginal Land Rights (Northern Territory) Act 1976.
Current Status: Introduced into the House on 31 May 2006 and passed through the House on 19 June 2006, with Government amendments. Awaiting debate in the Senate.

[Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005 \[2006\]](#)

Parliament of Australia, Bills Digest, 30 November 2005.

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Publications

Aboriginal Darwin: A guide to exploring important sites of the past and present

Toni Bauman with Samantha Wells

Aboriginal Darwin peels back layers to show the rich heritage and complex cultures of Aboriginal people, both before and since colonisation. It includes contemporary and historical sites that range from the

harbour to the beaches, monsoon forests, gardens, parks, camping places, exhibitions, cultural displays and buildings in the CBD, supplemented by information about sites not accessible to visitors. Beautifully illustrated, *Aboriginal Darwin's* easy-to-use layout allows users to explore at their own pace. It's a practical guide that offers readers the bonus of an alternative social history of Darwin. \$34.95, pb, full colour throughout, ISBN-10 0-85575-446-X ISBN-13 978-0-85575-446-4

Trustees on Trial: Recovering the stolen wages

Rosalind Kidd

Foreword by Geoffrey Robertson, QC

Trustees on Trial is the first book to detail the Queensland government's financial stranglehold on Aboriginal people's lives and money, and to question its management. For much of the twentieth century the Queensland government controlled the wages, endowments, pensions, workers compensation, soldiers' pay and inheritances of the state's Aboriginal people. Money it has never accounted for. In 2002 the government conditionally offered a maximum payment of \$4000 for those affected. For some, that represents \$4000 for a lifetime's work. However, most people have no idea what they're owed. *Trustees on Trial* explores the extensive primary evidence of financial (mis)management in terms of national and international case law. It demonstrates there is ample precedence for our courts to declare Queensland has a duty to account. This would reverse the onus of proof from the individual to the State. pb, 230x152mm, 208pp, rrp \$39.95, ISBN-10 0 85575 546 6, ISBN-13 978 0 85575 546 1

Online Publications

AIATSIS

[National Native Title Conference 2006 papers](#)

Available at:

<http://ntru.aiatsis.gov.au/conf2006/papers.html>

The NTRU [native title resource guide](#) has recently been updated to include statistics to 30 June 2006 and other information and hyperlinks relating to new state government policy documents, native title determinations, registered native title bodies corporate, ILUAs, native title reform processes, Northern Territory land rights amendments, revised ILC regional indigenous land strategies.

Other documents recently updated on the NTRU website include:



[Native Title Determinations Summary \[PDF format\]](#)

[Registered Native Title Bodies Corporate Summary \[PDF format\]](#)

CAEPR

[In Search of an Outstations Policy for Indigenous Australians](#) by J. C. Altman, Working Paper No. 34/2006. Available at: <http://www.anu.edu.au/caepr/Publications/WP/CAEP RWP34.pdf>

[Community Governance newsletter—August 2006](#)The second edition of this year's Community Governance newsletter (Vol.2, No.2), produced as part of the ARC Indigenous Community Governance Project, is now available online.

[Indigenous socioeconomic outcomes: A focus on the 2002 NATSISS—CAEPR Research Monograph 26](#)

This monograph presents the peer-reviewed proceedings of the CAEPR conference on Indigenous Socioeconomic Outcomes: Assessing Recent Evidence, held at The Australian National University in August 2005. The main focus of this volume is on analysing the 2002 National Aboriginal and Torres Strait Islander Social Survey (NATSISS) outputs and issues about how to interpret the data. It also offers some assessment of changes in Indigenous social conditions over time and examines how Indigenous people fared vis-à-vis other Australians in other statistical collections. The discussion of the broad Indigenous policy context by three prominent Indigenous Australians Larissa Berhendt, Tom Calma, and Geoff Scott explores different perspectives.

National Native Title Tribunal

[What's New in the Library June 2006](#)

The latest bulletin of materials recently received in the Tribunal Library. Available at: <http://www.nntt.gov.au/Library/files/WhatsNewInTheLibraryJune2006.pdf>

[Native Title Hot Spots Issue 20](#) Available at: <http://www.nntt.gov.au/newsletter/hotspots/issues/20.html>

[Maps and statistics as at 30 June 2006](#) Also see the NNTT [maps and spatial data](#) page for national, state and regional maps available.

Please visit the NNTT website at www.nntt.gov.au to download any of these publications.

Government Publications

[Equality before the Law Bench Book](#)

Judicial Commission of New South Wales, 2006

Available at:

<http://www.judcom.nsw.gov.au/benchbks/equality/ind ex.php>

[Native title claims resolution review](#)

Graham Hiley and Ken Levy, Canberra: Attorney-General's Department, 2006.

The Claims Resolution Review was established by the Attorney-General to consider the process by which native title applications are resolved. The Review examined the roles of the National Native Title Tribunal (NNTT) and the Federal Court and considered measures for the more efficient management of native title claims within the existing framework of the Native Title Act 1993.

See also the [Government response](#) to the claims resolution review.

(Source:

<http://www.ag.gov.au/claimsresolutionreview>)

[Aboriginal Land Rights \(Northern Territory\) Amendment Bill 2006](#)

Australia. Parliament. Senate. Community Affairs Legislation Committee, Canberra : The Committee, 2006.

[Exploring country: a guide to making an exploration and mining agreement](#)

Northern Territory. Dept. of Primary Industry, Fisheries and Mines, Darwin, N.T: Dept. of Primary Industry, Fisheries and Mines, 2006

[Administration of the native title respondents funding scheme](#)

The Auditor General, Audit Report No.1 2006–07.

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Upcoming Events

[Governments and Communities in Partnership: From Theory to Practice](#)



Venue: Melbourne

When: 25 – 27 September, 2006

This international conference has been organised in association with the OECD and aims to deepen the academic and policy debate about the impact and value of efforts to 'join-up' different public services and related initiatives to strengthen communities. This event boasts a stellar line up of over 200 speakers (both academics and policy practitioners) from all around the world.

Program: available http://www.public-policy.unimelb.edu.au/conference06/program_detail.ed.pdf

(Speaker profiles and abstracts for the Centre for Public Policy Governments and Communities in Partnership are also available online).

[World Archaeological Congress symposium, "Cultural Heritage and Indigenous Cultural and Intellectual Property Rights"](#)

Venue: Burra, South Australia

When: 3rd to 5th December 2006

Program

Multi-disciplinary conference will address the history and current developments in the intersections between cultural heritage and Indigenous cultural and intellectual property rights in Indigenous customary and academic worlds. Key speakers are from George Nicolas and Julie Hollowell, Canada/USA; Maui Solomon, New Zealand; and Sven Ouzman, South Africa.

Regenerating the Phoenix: Anthropology's Public Futures

See further <http://anthropology.anu.edu.au>

Venue: Burra, South Australia

When: 8-10 November, 2006

This workshop seeks to debate what Richard Werbner (*Reasonable Radicals*) calls a dialogic cosmopolitan anthropology which recognises the positive contributions that early anthropologists have made to the discipline, questions aspects of the post-colonial critique that unfairly labels Anthropologists as reproducing false notions of cultural isolation and objectification and shows how

it engages in an intercultural dialogue that has gone on for centuries and continues with all of its political inequalities and intrigues today.

[Centre for Aboriginal Economic Policy Research 2006 Seminar Series](#)

Venue: Seminar Room G058, Ground Floor, Hanna Neumann Building, Australian National University

When: Wednesdays 12.30 – 2.00pm

Program:

13 September: Literacy, culture and power: reflections on the neoconservative assault on Indigenous education. Jerry Schwab, Fellow, CAEPR

20 September: Indigenous peoples and indicators of well-being: UN perspectives on global framework. John Taylor, Deputy Director and Senior Fellow, CAEPR

27 September: Regionalised governance processes in the Northern Territory: The West Central Arnhem Regional Authority. Diane Smith, Fellow, CAEPR

4 October: Accountability in Indigenous Organisations: What can it reasonably mean? Kathryn Thorburn, PhD scholar, CAEPR

11 October: Self assessments of successful Indigenous governance: analysis of the first two years of the Indigenous Governance Awards (tbc). Members of the Indigenous Community Governance Project Team


25 October: Arguing for a treaty between Indigenous and settler Australians: Beginning a better relationship (A thesis proposal). Katarina Ferro, PhD scholar, CAEPR

1 November: The making of contemporary Aboriginal learning and literacy: Ngaanyatjarra engagement with changing western practices. Inge Kral, PhD scholar, CAEPR

8 November: Dealing with distance: Mobility, sociality and governance in Central Cape York Peninsula. Benjamin Richard Smith, Research Fellow, CAEPR

[Anthropology @ Monash Seminar Series 2006](#)

Venue: Room W1010, PSI School Library, 10th Floor Menzies Building, Clayton Campus Monash University



When: Thursdays at 4.00-5.30pm fortnightly during the teaching weeks

Program:

7 September: Dr Trudy Jacobsen, ARC Postdoctoral Fellow in Anthropology & Centre of Southeast Asian Studies, MAI. "Dabbling in Dhamma? The Lives of Theravada Buddhist Nuns in Cambodia."

3.00pm Tuesday, 19th September PLEASE NOTE: different day and time Prof Gillian Cowlshaw, ARC Professorial Fellow at University of Technology, Sydney. "Erasing Social Trauma: Contemporary Australian History and Ethnography."

21 September: Lejla Voloder, PhD candidate in Anthropology, Monash University

12 October: Dr Bianca Smith, Endeavour Award Postdoctoral Fellow in Anthropology, Monash University.

AIATSIS Seminar Series – Semester 2

Venue: Acton Peninsula, Canberra.

When: 4 September to 6 November 2006

Program:

Commenced 2 September with a presentation by:

Ms Marianne Riphagen; Cultural Anthropologist, Radboud University Nijmegen, the Netherlands, in affiliation with the Centre for Aboriginal Economic Policy Research (CAEPR) Australian National University Her topic is 'Framing Indigenous Australian photography in the twenty-first century: the creation of photographic meanings by contemporary Indigenous Artists'

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Opportunities

2006 Australian Anthropological Society annual conference

27-9 September, James Cook University in Cairns

This year's theme is Beyond science and art: Anthropology and the unification of knowledge, and

the range of panels reflects anthropology's dynamic relationships with the humanities and natural sciences. Please note: early bird (i.e. discounted) registrations end the 4th of August. For further information please contact the conference organisers: aaconference@jcu.edu.au

The Centre for Research on Social Inclusion at Macquarie University is keen to attract high quality applicants for this internal (Level B or C) Research Fellowship Scheme. They are ideal for those with community linked projects suitable for application to the ARC Linkage Scheme. If you feel your work fits the Centre's profile (www.crsi.mq.edu.au ; <http://www.crsi.mq.edu.au/>) and you are interested in applying, please contact Dr Amanda Wise (amanda.wise@mq.edu.au) in the first instance.

Australian Film, Television & Radio School's Indigenous Program Initiative Scholarships

The Australian Film, Television & Radio School is the key national centre for the training of exceptionally gifted film, television, digital media and radio students and the high-level professional development of those already working in the industry. The Macquarie Bank Indigenous Scholarship is open to Aboriginal and Torres Strait Islander people to study directing, producing, screenwriting or documentary at the AFTRS in 2007.

For further information please contact the Student Services Centre on (02) 9805 6444 or Sara Hourez on (08) 8553 5291 or e-mail <mailto:sarahourez@bigpond.com> > sarahourez@bigpond.com

'New Racisms : New Anti-Racisms'


3 - 5 November 2006 at the University of Sydney.

Organised by the Research Institute for the Humanities and Social Sciences and the Department of Anthropology at University of Sydney, along with the Human Rights and Equal Opportunity Commission.

Convenor: ghassan.hage@arts.usyd.edu.au

Computer program for genealogies

Professor Shigenobu Sugito of Sugiyama Jogakuen University in Nagoya, Japan, has been developing the Alliance program for recording and searching genealogical data. The Alliance project was begun about three years ago and is based upon Yolngu social structures, although it can be adapted to any Indigenous system in the Pacific. Professor Sugito



visited both the Northern Land Council and NSW Native Title Services to display the product and to gain ideas for further enhancement. He is interested in working with any organisation that holds genealogical material and can be contacted by email at sugitos@hs.sugiyama-u.ac.jp.

Postdoctoral Fellowships

The Southeast Asian Program of the Faculty of Arts and Social Sciences at the National University of Singapore is looking for someone who holds a PhD degree (or is awaiting conferment) and has broad interdisciplinary expertise and research interests in Southeast Asian Studies (including specializations in anthropology, cultural studies, economics, geography, history, political science and sociology). The

Fellow will work with faculty members in the Department with ongoing research in these and/or related areas.

Applications close 31 December 2006.

The Annual Australian Sociology Association (TASA) Conference

Murdoch University and the University of Western Australia (UWA)

4 - 7 December, 2006

Registrations close 12 November, 2006

Submissions close 8 September, 2006

Conference Theme: 'Sociology for a Mobile World'

There are ten streams, and presenters are required to nominate a stream on submission of their abstract.

Submit your abstract on line at http://www.ias.uwa.edu.au/activities_and_programs/programs_2006/TASA_2006/tasabstract_online_reg_o3

AAS Best Thesis in Anthropology Award

The AAS will award prizes of \$500 in two categories:

a) Honours and b) PhD / M.A. (by research).

Winners are announced during the course of the annual AAS Conference. Each winner receives \$500 and a commemorative certificate.

Submissions to be sent to: Administrator, AAS, LPO Box 8099, ANU, Canberra ACT 2601

Contact: Shane Silva
Administrator, Australian Anthropological Society
LPO Box 8099, Australian National University
Tel: (02) 6125 3208
Fax:(02) 6125 2711

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Employment

Description and closing date	Location	Description	Contact
The Thomas and Margaret Ruth McArthur Fellowship 14 Sep 2006	University of Melbourne, Faculty of Arts Budget Division: Faculty of Arts	Post-doctoral Research Fellowship, offered at either Level A or Level B. Level will be determined by qualifications and experience. Salary: \$45,224 - \$61,370 p.a. (Research Fellow, Level A) or \$64,602 - \$76,714 p.a. (Research Fellow, Level B)	Applications can be forwarded: Email: hr-applications@unimelb.edu.au Fax:+61 3 8344 6080 Mail:Vice-Principal (Human Resources), The University of Melbourne Victoria 3010 For enquiries contact: Prof Verity Burgmann, tel. +61 3 8344 7943, email vnb@unimelb.edu.au
Level 6 Senior Project Officer 18 Sept 2006	Department of Indigenous Affairs (WA) Kununurra office	Level 6, \$67,850 - \$75,133 (12 month contract)	Ms Pam Thorley 08 9168 2550
Level 3 Records Supervisor 18 Sep2006	Department of Indigenous Affairs (WA) Perth	Level 4/5- \$52,413 - \$64,439	Mr Andrew Pepper (08) 9235 8132
Employment Opportunities: Geospatial Specialist 21 Sep 2006	NNTT, Perth or Brisbane	APS Level 6,\$57,556 - \$66,115, Non-ongoing (temp)	Jeff Harris 07 3226 8270
Employment Opportunities: Business Systems Specialist 21 Sep 2006	NNTT, Operations Unit, Perth	APS Level 5, \$53,290 - \$56,505, Non-ongoing (temp)	Allan Thompson 08 9268 7233
Level 4/5 Regional Officer 25 Sep 2006	Department of Indigenous Affairs (WA) Kununurra office	Level 4/5- \$52,413 - \$64,439	Ms Pam Thorley 08 9168 2550
Monash Faculty of Arts Postdoctoral Fellowship 29 Sep 2006	Monash University	2 years, Academic salary Level A	deepa.balakrishnan@arts.monash.edu.au
Lecturer in Social Anthropology 6 Oct 2006	University of Otago		Human Resources Division 64 3 479 8269, nicola.parsons@otago.ac.nz

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NATIVE TITLE IN THE NEWS

NATIONAL

27-Jul-06 **Canberra Investment Corporation joins Indigenous program**

The Canberra Investment Corporation has joined Reconciliation Australia, ANZ Bank, BHP Billiton and Centrelink to develop plans for Indigenous people as a part of the National Program of Action. The development company often 'liaises with the traditional owners to ensure sacred sites or finds are left undamaged'. It also has a partnership with the Larrakia Land Development Corporation to build a new suburb. Corporation Chief Tony Carey said that 'as developers it is part of our business to recognise and respect the relationship traditional owners have with the land we are working on'. The National Program was launched in Melbourne by Prime Minister John Howard. Canberra Times, 27-Jul-06, pg 19.

01-Aug-06 **Safety makes dollars and sense**

Former managing director of Newmont Paul Dowd will address native title in the upcoming Open Pit Mining Conference in September. He says that Australia has 'botched native title legislation' and that 'when the *Native Title Act* was first introduced we as Australians had an opportunity to correct 200 years of wrong'. According to him 'we got the legislation terribly wrong and the benefits that do apply as a consequence of that legislation only apply because of the goodwill of mining companies which have learnt how to work through the legislation and in some cases work around it to achieve the legislation's original intent.' One of the biggest challenges was the consistency of mining agreements and approvals. He found that there is still 'no appealable common or prescriptive templates that allows both the investor and the traditional owner to have confidence and trust in the process'. Australian Mining, Aug-06, pg 66.

03-Aug-06 **New theory on old wrongs**

Compensating Indigenous people for historic injustice has been tested in a new legal thesis by legal academic Jeremy Waldron who says that 'even though claims by native people might once have been justified, they may now be invalid because of different social circumstances.' He said that 'instead of focusing on past injustices, it was more appropriate for society to focus on current injustices.' He said that 'his thesis does not call into question Aboriginal native title over land. But transferring non-Aboriginal land to Aborigines may not be a legitimate

way of addressing their dispossession'. Professor Waldron posed the question as to whether the 'new regime [should be] changed to reflect this injustice'. Australian, 3-Aug-06, pg 5.

21-Aug-06 **Native Title overhaul hands win to miners**

The federal government is 'set to make significant changes to native title laws in a bid to resolve hundreds of backlogged claims and provide greater certainty for the mining industry'. This involved requirements that parties negotiate in good faith, limiting funding for parties such as pastoralists to resolve the 605 active claims. These outstanding claims are creating uncertainty about where native title exists and the identity of native title holders. Other government members are lobbying for changes (originally proposed in the 10 point plan) that will allow the states to create their 'alternative native title processes that would provide claimants with a lesser "right to negotiate"'. These proposals have been backed by junior mining companies 'where it is argued that native title is preventing them from discovering mineral deposits'. Australian Financial Review, 21-Aug-06, pg 1.

21-Aug-06 **Reforms a welcome change**

NNTT President Graeme Neate welcomed the Government's proposed reforms which 'will expand the Tribunal's powers and functions and avoid simultaneous mediation of claims by it and the Federal Court'. He said the reforms 'confirm the Tribunal's long-held view that all parties involved in native title matters need to negotiate so that everyone's rights and interests are protected'. Media Release, 21-Aug-06, pg 5.

21-Aug-06 **Native Title Claims Resolution Review**

Shadow Attorney-General Nicola Roxon and Senator Chris Evans have cautioned against the Federal Government's proposed native title changes saying that: 'given the Government's record, Labor is concerned that the Government will use the Review to introduced changes that have not been subject to consultation'. Senator Evans said that he welcomed the measures which will 'streamline native title claims resolution process' but is 'concerned...the Government is considering using the review recommendations to justify resurrecting the so-called Wik 10 point plan' and 'increase its control of Native Title Representative Bodies. He said that the 'Government has failed to address the chronic under funding of NTRB's which is a prime cause of the delays in the resolution of native title claims.' Media Release, 21-Aug-06, pg 25; 'Government steps in on title' Business News, 31-Aug-06, pg 19.



22-Aug-06 **MCA for native title mediation**

The Minerals Council of Australia has supported the 'Federal Government's call for mediation over litigation to help improve the resolution of native title claims.' MCA Chief executive Mitchell Hook said that 'mediation aligned well with the mineral industry's commitment to agreement making and improving the efficiency and operability of the native title system without diminishing the rights of indigenous Australians.' *Kalgoorlie Miner*, 22-Aug-06, pg 7.

22-Aug-06 **Native title changes proposed**

Western Australian Deputy Premier Eric Ripper has been cautious in welcoming the Federal Government's proposed changes to the Native Title Act saying that 'he could see not benefit in the NNTT being given the power to assess whether those making a claim have a connection with the land involved as the State already undertook that role'. Kimberly Land Council executive director Wayne Bergmann said that the 'NNTT [does] not have the expertise to resolve claims quickly'. He said: 'in our experience, the tribunals haven't been the appropriate bodies to drive native title outcomes. History shows that where a claim is contested, tribunals have always made decisions in the best interests of mining parties.' Title claims on mines face axe', *West Australian*, 22-Aug-06, pg 6; 'Native title changes win miners' qualified support' *Australian Financial review*, 22-Aug-06, pg 6.

23-Aug-06 **Hope of some native title clarity at last**

While 'at first glance' the Federal Government's proposed changes to native title laws 'offer hope of speedier, fairer and simpler resolution of claims' the history of native title shows that there have been 'problems of definition of precisely what it means and who can claim it under what circumstances'. Under the proposed changes people are required to negotiate in good faith, Courts can dismiss claims that are lodged after companies have made mining applications and also stop the duplication of functions of the Federal Court and Tribunal. However 'ambiguities remain and it is likely that further changes will be needed'. *West Australian*, 23-Aug-06, pg 24.

23-Aug-06 **Minister attacks clan-run councils**

Federal Indigenous Affairs Minister Mal Brough has attacked clan-based councils 'describing them as communist collectives'. He said that the 'land is owned collectively - the collective clan decides who gets the rent...no one gets to own a home - the collective decides who gets a job.' According to Mr Brough this 'hasn't worked anywhere in the world [b]ut back in the 70s we decided this would be our

Utopia for indigenous Australia'. He found that 'bringing an economy and security of land tenure to the communities would reduce violence and other problems'. *Agree*, 23-Aug-06, pg 11.

24-Aug-06 **Practical moves to make native title claims more workable**


The National Farmers Federation has responded to the Federal Government's Native Title Claims Resolution Review Report 'noting the preference for improving mediation over costly litigation to resolve native title claims'. In particular it supports the elimination for minor registration amendments, 'bolstering' the requirements for proof of connection to land and the increased powers of the Tribunal to conduct inquiries. *Media Release*, 24-Aug-06, pg 9.

25-Aug-06 **Push to resolve stalled native title claims**

The Attorney General has released a review by Graham Hiley QC and Ken Levy on the native title resolution process recommending 'greatly increasing the powers of the NNTT to mediate claims, take evidence and investigate whether claimants have a continuing connection to land they are claiming'. The review said that that it was 'necessary to reduce the backlog of existing native title claimant applications, particularly claims that appear unlikely to proceed'. Former Federal Court judge Ron Merkel said that 'Governments at both state and federal levels have treated native title proceedings as adversarial in a classic litigation contest [and that] they have totally failed to appreciate that native title can and should be treated as part of the reconciliation process and part of the way in which they can assist the social and economic disadvantage that Aboriginal people face'. One of the key recommendations accepted by the Attorney General was removing the duplication of functions between the Federal Court and the National Native Title Tribunal. *Australian Financial Review*, 25-Aug-06, pg 57; 'Agency takes on native title shake-up' *Northern Territory News*, 22-Aug-06, pg 9; 'Native title revamp' *Warrnambool Standard*, 22-Aug-06, pg 2; *National Indigenous Times*, 24-Aug-06, pg 12.

26-Aug-06 **One land, two agendas**

Chief executive of the Minerals Council of Australia, Mitchell Hooke has argued that access to land is the 'lifblood of Australia's minerals industry' and that 'once the dust settled on the confrontationalist and divisive debates of Mabo and Wik...there dawned a new era of engagement, understanding and synergies founded in mutual; respect and collaboration'. According to him, there has been a shift in emphasis from 'litigation to negotiations' and that the policy of the minerals industry is to 'improve



the efficiency and operability of the system without diminishing indigenous rights'. He also noted that there is a 'receptiveness' to increased advocacy for resourcing and improved governance to meet their statutory functions' in resolving matters such as claim boundaries and overlaps. He supported the government's announced reforms. In contrast, Labor party president Warren Mundine has said that he found it 'chilling to actually see language that articulates a better future for Indigenous Australians while obfuscating a completely different agenda'. He said that 'taking the rights of indigenous claimants... is the main target of the proposed reforms'. One of the key elements of the native title is section 29 which deals with the notification of future acts which affects mining, one of the 'few areas that provides real jobs and prospects for economic growth for indigenous Australians'. According to him the 'federal government has now made it clear that it would rather allocate more resources and hand more power to the Tribunal that has the potential to not only lengthen the claims process but also hand unprecedented power to a chosen few'. Australian Financial Review, 26-Aug-06, pg 62.

26-Aug-06 Tribunal Under Attack; Neate defends tribunal in wake of attack by GLC's Wyatt

Tribunal president Graeme Neate has 'defended its skills in mediating claims' after they were criticised by the Goldfields Land and Sea Council Chief Executive Bryan Wyatt. Mr Wyatt said that the Tribunals' performance has been 'unsatisfactory and its personnel lacks the skills required to get the results needed in a reasonable time'. However Mr Neate 'expected additional powers that the Federal Government planned to give it would lead to more efficient and effective resolution of native title claims'. He also said that 'part of the criticism of the tribunal's performance has been directed at a perceived lack of power' which he believes the reforms will change through the 'additional powers'. Mr Neate also said that its 'members and staff had a wide range of qualifications, backgrounds and experience in resolving native title issues'. Kalgoorlie Miner, 26-Aug-06, pg 9; Kalgoorlie Miner, 30-Aug-06, pg 5.

30-Aug-06 Native title reforms cause for concern

Goldfields Land and Sea Council has raised concerns about the recommendations of the Native Title Claims Resolution Review. The council 'says that the reports findings are complex and proceeding to legislate this year would be too rushed.' It says that there is a need to 'gauge stakeholder's views and amend the legislation accordingly'. For example, the land council notes that the 'idea of automatic dismissal of claims that do not pass the Tribunal

registration test is absolutely opposed' since the 'registration test was never intended to be determinative. For example, some overlapping claims automatically fail the registration test but still need to be carefully considered by a court, along with the competing claims'. Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma agreed that there was a need to speed up the process but said that 'the Government's own review explains how complex it is to compile the relevant information for native title so let's be careful that we are not putting Indigenous people in an untenable situation'. Koori Mail, 30-Aug-06, pg 3.

31-Aug-06 Scheme to reduce native title litigation plagued with problems; 'Audit Office Finds Government mismanaging native title' Media Release 30-Aug-06, pg 55.

There is 'no way of telling whether a scheme meant to reduce litigation over native title claims is working, because the Government does not adequately measure how it is performing'. A recent audit the Australian National Audit Office has found that the scheme is at risk of being overspent because the Government is not properly aware of how much it is giving in grants. Also mining and agricultural organisations that received grants and hold them on trust can be profiting from the interest because 'the Government hasn't got clear rules for how that interest can be used'. It is also unclear whether legal aid provided to miners, pastoralists and other parties under the Native Title Respondents Funding Scheme, designed to encourage negotiation over litigation is used for this purpose. A spokesman for the Attorney General 'denied that grants were not properly tracked and said interest funds were only used for activities related to native title.' Age, 31-Aug-06, pg 3.

ACT


24-Aug-06 We will not move: residents

At a ceremony marking the 40th Anniversary of the "Wave Hill Walk-off" organiser John Coe said that the tent embassy is 'not an educational site, its not a cultural site. It's a political site. It provides our independent voice in this country'. The tent embassy was established in 1972, during a land rights protest and has become a 'permanent presence' since 1992. Canberra Times, 24-Aug-06, pg 12.

New South Wales

28-Jun-06 land claim made in Carrathool Shire (land rights)

An Aboriginal land claim has been lodged over a residential lot in Carrathool Shire. The Director for



Operations said that 'the council has not recommended a proposed use for the site' and that 'it was recommended that Council advise the Department of Lands that [the lot] is not needed for any residential or planned essential public purpose.' Hillston Ivanhoe Spectator, 28-Jun-06, pg 3.

10-Jul-06 Coal and Allied will present draft cultural heritage plan

Coal and Allied will be presenting a 'draft cultural heritage plan for its proposed Mount Pleasant mine to a meeting of indigenous representatives'. If endorsed the 'plan would be the model for Coal and Allied's future management of cultural heritage issues at all its Upper Hunter mines.' Newcastle Herald, 10-Jul-06, pg 14.

12-Jul-06 Inquiry demanded into Douglas Area 7 project

The Northern Illawarra Aboriginal Collective is demanding an inquiry into the long wall mining at Douglas Area 1 project claiming that 'BHP did not consult them about cultural and historically significant sites'. General manager of the collective Chris Illert said that 'we have been fighting these environmental issues, because the Aboriginal people are the last ones with the connection to the land, are closer to nature and still worried about the environment'. Inquiry demanded. Campbelltown-Macarthur Advertiser, 12-Jul-06, pg 16.

14-Jul-06 Land councils shake on training opportunities (land rights)

The Charles Sturt University and Indigenous Communities have entered into a partnership to 'increase the skills of people involved in local and regional Aboriginal land councils'. The university's professional development unit has been 'contracted to design a training and development strategy to make land councils more effective and efficient in carrying out their work'. Associate Professor Greg Walker said that the partnership was an important step in 'efforts to develop targeted business-related courses for indigenous people'.

Training partnership formed. Daily Liberal, 14-Jul-06, pg 4.

22-Jul-06 Indigenous owners not consulted in land sale (land rights)

The Australian Government is trying to sell land at Hill 60 without consulting traditional owners according to the chair of the Wadi Wadi Coomaditchie Aboriginal Corporation. Wadi Wadi elder Allan Carriage said that the 'military took control of Hill 60 and the surround during World War II forcing the Aboriginal community into a settlement

at the Coomaditchie. He said his people were falsely promised they could return after the war'. Senator Concetta Fierravanti-Wells has asked her Federal Government colleagues to review the decision. Illawarra Mercury, 22-Jul-06, pg 12.

21-Jul-06 Mines talks ongoing in Upper Hunter

NSW Minerals Council Chief Executive, Nikki Williams has refuted claims that meetings with Indigenous Groups have 'failed to implement a solid action plan' in relation to 'partnership opportunities which allow Indigenous groups to participate with the benefit from the mining industry'. The Aboriginal People's Engagement with the Mining Industry in the Hunter Valley - A Regional Partnership approach 2006 and Beyond reiterated that the 'minerals industry in the Upper Hunter Valley will actively engage and participate in a regional partnership approach'. However 'despite the sound motivations, investment in time and effort and genuine cooperation of all parties...there [were] complex issues, some of which will take time to resolve.' Muswellbrook Chronicle, 21-Jul-06, pg 8.


03-Jul-06 Darug people return to traditional land

The Darug people have gathered at a celebration of their culture on the Nurragingy reserve in Blacktown. The Darug once belonged to clans like the Burrumattagal, Kameygal and Warmuli but have been unsuccessful in native title claims for parcels of vacant Crown land from Bondi to the Blue Mountains. A Macquarie University academic said that having to show that you practise traditional culture is a problem for claimants 'in south-east Australia because the courts are taking a very narrow interpretation of traditional culture'. For the Darug, Blacktown is a powerful image of their culture and is the site of Governor Macquarie's Native Title Institution for the education of Aborigines. The white convict who was assigned to the project, Robert Lock also married the daughter of Yarramundi the chief of Boorooberongal. Sydney Morning Herald, 3-Jul-06, pg 7; Tribunal file no: NC96/6; Federal Court file no: NSD6004/98

02-Aug-06 Indigenous community divided over historic site (land rights)

The Ganddangara Local Aboriginal Land Council (GLALC) claim that the sale of a residential complex on a historic site where Dharug, Gundungurra and Tharawal met for fishing and corroborees will lead to a loss of culture. The GLALC will meet with the Heritage Council of NSW to discuss the loss of their heritage if the sale of the Collingwood site goes ahead. Liverpool Champion, 2-Aug-06, pg 2.

02-Aug-06 Hill 60 heritage list move



The Wollongong city council has denied that it has 'done a back flip' over the sale of Hill 60 Land in Port Kembla. A group of Aboriginal people who lived on and owned the land were removed from the land during WW2. A council spokesman said that the council had since passed a resolution to 'liaise with the Aboriginal community and others to build a case for listing Hill 60 on the NSW State Heritage Register' and that it will 'support the Aboriginal Community's fight to save the land from development.' Wollongong Advertiser, 2-Aug-06, pg 2; 'Council denies back flip over land sell-off' Illawarra Mercury, 4-Aug-06, pg 10; 'Hill 60 fury still well alight' Wollongong Advertiser, 9-Aug-06, pg 9; 'Rally in defence of Hill 60 Heritage' Illawarra Mercury, 4-Aug-06, pg 10; 'Locals fight for land' Lakes Times, 16-Aug-06, pg 5.

03-Aug-06 **Way too big: mayor backs protesters**

A \$250 million residential development planned for Sandon Point has created public anger with residents and action groups attending a meeting to oppose the plans. Among the resolutions, was a declaration that Sandon Point be declared a Place of Aboriginal Significance and the land leased back to the National Parks and Wildlife Service for management as a Regional Park. Northern Leader, 3-Aug-06, pg 1.

09-Aug-06 **No Coolac delay – maybe (land rights)**

According to the Tumut Brungle Aboriginal Land Councils third archaeological survey will not delay construction of the Coolac bypass. The project has been proposed for several years but has been delays created by the need for studies to determine the importance of the site. Land Council Coordinator David Pryce said that 'there were issues of cultural practices where it's courtesy of people coming into other areas, we are a land council, we have a boundary and what we expect from other people.' Cootamundra Herald, 9-Aug-06, pg 1.

09-Aug-06 **No opposition to claim (land rights)**

The Great Lakes Council has withdrawn its opposition to the Bulahdelah Aboriginal land claim. The land has been reserved for medical purposes but more recently the NSW Department of Health has indicated that it has not interest in the land and the Crown Solicitor's Office said that the council needs a 'significant amount of evidence' to defeat the claim in the Land and Environment Court. Community services manager Andrew Braybrook said that 'there was a very good chance that the Minister would be unsuccessful in defending his refusal of the land claim and that the land would subsequently be transferred to the Land Council'.

Great Lakes Advocate, 9-Aug-06, pg 3; Myall Coast Nota, 17-Aug-06, pg 3.

21-Aug-06 **Crown land claim goes to tribunal**

Crown land in North Haven is being considered by the National Native Title Tribunal in a non-claimant application lodged to seek 'confirmation that no-one has a native title claim for the land.' Port Macquarie News, 21-Aug-06, pg 6.

22-Aug-06 **Land rights march (land rights)**

Wiradjuri elder Vilam Ryan has criticised the proposed changes to the Land Rights Act saying that 'future generations of Aboriginal landowners could lose control of their land if the proposed changes are approved.' She is lobbying with federal Greenway MP Lousie Markus and Chifley MP Roger Price to not pass the bill. However Ms Markus defended the bill 'saying the changes would deliver better economic choice for traditional owners and more decision making to local people'. A previously planned march has been called off but Ms Ryan said that she will protest against the lack of debate before the bill was passed. Blacktown Sun, 22-Aug-06, pg 7; 'Protest march called off' Blacktown Sun, 29-Aug-06, pg 8.

30-Aug-06 **Campaign to keep Hill 60 continues**

A tender process has 'failed to attract a buyer' placing the 'sale of defence land at Hill 60 in doubt'. Liberal Senator Concetta Fierravanti-Wells said that the 'prospective purchasers were clearly put off by the demonstration of public support against the department's sale of land.' There have been 'moves to build a case for listing it in the state Heritage Register'. Wollongong Advertiser, 30-Aug-06, pg 6.


Northern Territory

28-Jun-06 **Borroloola land claim resolved after 30 years (land rights)**

The Borroloola land claim has been finally resolved. The lands were part of the 'first ever land claim lodged under the Aboriginal Land Rights (Northern Territory) Act 1976. This is a significant achievement for the Yanyuwa people who have 'persevered' with the claim for over 30 years. Mal Brough said that the 'finalisation of the land claim shows once again how effective the Land Rights Act has been in returning land to its traditional owners'. Land returned to traditional owners. Media Release, 28-Jun-06, pg 47.

03-Jul-06 **Jabiluka faces owners veto (land rights)**

Traditional owners continue to oppose uranium mining in Jabiluka. Energy Resources of Australia which is 68 per cent owned by Rio Tinto 'signed an



agreement with the local Mirarr people undertaking not to go ahead with any development without their consent'. Graham Dewar head of the Mirarr representative body the Gundjeihmi Aboriginal Corporation said that 'nothing has changed' and that 'the Mirarr were looking at other opportunities such as tourism to replace current royalties from ERA's nearby Ranger mine'. Australian, 3-Jul-06, pg 29; National Indigenous Times, 13-Jul-06, pg 13. See further: <http://www.atns.net.au/biogs/A001536b.htm>

05-Jul-06 McArthur River delay may risk mine closure

X-strata has said that the Northern Territory government must decide whether the McArthur River open pit mining project will be approved or face a loss of \$523 million to the economy. Previous attempts to gain approval to expand the mine have been knocked back by the government based on environmental grounds. Some Indigenous groups have opposed the 'open-pit development because it was too disruptive and some had doubts about the company's ability to safely divert the river'. Australian Financial Review, 5-Jul-06, pg 55.

17-Jul-06 Celebrations planned for Wave Hill walk-off

The original Wave Hill walk off occurred 40 years ago when Aboriginal stockmen walked off the Lord Vesty owned station, marking the beginning of Australia's land rights movement. The event will be commemorated by the Gurindji people and other clans in the remote communities of Kalkaringi and Daguragu in a two day festival. Clan elders regard the festival as the 'most important event held on their land since the historic walkoff'. Age, 17-Jul-06, pg 7; Sydney Morning Herald, 17-Jul-06, pg 5.

01-Aug-06 Giant awakens: the Northern Territory is emerging from its mining slumber

The Northern Territory has become more competitive in promoting exploration and clearing land access constraints through a 'renewed emphasis on indigenous relations and a global marketing drive'. This has been a priority of the Northern Territory Mines Minister Kon Vatskalis who has worked to raise the industry's profile in the Territory. Mining accounts for 22 per cent of the Territory's GDP and employs 4 000 people, many of which are contracted under Indigenous partnership agreements. This has involved a \$15.2 million investment attraction program designed to maximise exploration by mitigating the risks associated with operating within a 'technically challenging geological environment'. One important aspect of the program has been the 'encouragement of indigenous community engagement based on harmonious

relationships with the NT's land councils'. This has led to successful partnerships for example, in the development of the Bootu Creek manganese mine and Newmont's Tanami Desert project. Australia's Mining Monthly, Aug-06, pg 76.

02-Aug-06 Partnerships highlighted in new publication


Northern Territory Mines and Energy Minister Kon Vatskalis has launched a new handbook inspired by the Central Land Council 'designed to assist companies looking to explore and mine in the Northern Territory [and] contains examples of successful partnerships between exploration and mining companies and Aboriginal people'. The handbook is aimed at overcoming negative stereotypes and promote partnerships that can create economic opportunities in communities. Koori Mail, 2-aug-06, pg 45.

02-Aug-06 Too little time for NT land rights bill (land rights)

The Federal parliament committee appointed to review the proposed changes to the Aboriginal Land Rights Act has said that the time it was given to scrutinise the laws was 'totally inadequate'. 'The Government dominated committee lent its guarded support to the bill.' However three separate dissenting reports from Labour, the Australian Greens and the Australian Democrats recommended that the bill be rejected and say that there was no time to scrutinise the legislation. Labour wants to have the bill split to debate the more controversial changes while allowing the mining provisions to go ahead. Every non-government submission has also opposed the changes. Australian Financial Review, 2-Aug-06, pg 12; see also 'Time totally inadequate' says committee', Warrnambool Standard, 2-Aug-06, pg 2; 'Delay lease move'. Australian. 9-Aug-06, pg 2; 'Land Rights Law Rush' Northern Territory News, 3-Aug-06, pg 4.

04-Aug-06 Land rights 'chaos' under proposed changes (land rights)

The Central Land Council director David Ross said that the Aboriginal Land Rights (Northern Territory) Act has 'served extremely well for 30 years in maintaining the delicate balance of the interest of traditional owners with that of other interests and should not be tampered with without full and very careful consideration of its ramifications.' Mr Ross said that he agreed with a number of changes but was concerned that the 'amendments could leave mining companies dealing with very small under resourced and ill-informed bodies and pave the way for bitter dispute between communities'. Northern Territory News, 4-Aug-06, pg 3.



08-Aug-06 More than 20 000 Australians tell Senators to defer today's vote on major changes to Aboriginal Land Rights (land rights)

A petition organised by GetUp and Australians for Native Title and Reconciliation (ANTaR) have called for greater scrutiny of the proposed amendments to the Land Rights Act. ANTaR National Director Gary Highland said that the 'Government is once again using its control of the Senate to ram through changes to an Act that has been supported by all sides of politics for more than 30 years. The amendments haven't even been discussed with those traditional owners who would be most affected by them.' Media Release, 8-Aug-06, pg 1; 'Petition calls for delay to land vote' Maitland Mercury, 11-Aug-06, pg 9; Citizen's' call to senators: Dealy the rush vote on Aboriginal Land Rights' Media Release, 6-Aug-06, pg 1.

09-Aug-06 Land Rights Bill a recipe for more poverty: 25 000 signatories agree (land rights)

The Greens have presented a GetUP petition with 25 000 signatures opposing the Land Rights Act amendment. Senator Rachel Siewert said that 'if the Government is really concerned about economic development in aboriginal communities it should listen to Aboriginal people instead of ploughing on with these rushed and misguided amendments'. According to her other initiatives to promote indigenous businesses have not been pursued. She said that the 'Government isn't really interested in economic development in Aboriginal communities, it is only interested in its own agenda for undermining land councils and traditional owners'. Media Release, 9-August-06, pg 15; see also 'Greens will move top split land rights bill'. Media Release, 8-Aug-06, pg 7.

08-Aug-06 Aboriginal community ignored in land rights legislation (land rights)

Andrew Bartlett has said that the proposed changes to the Land Rights legislation 'should not pass due to the lack of consultation with the people it effects'. He said that there was 'no serious attempt by the Government to consult with the people who will be most affected' He found that this was a 'patronising lack of respect shown to our First Peoples' and that 'despite the rhetoric of increasing self-reliance [the changes] actually give more power and resources to governments'. Media Releases, 8-Aug-06, pg 47.

09-Aug-06 Time to try a new way (land rights)

Commentators from the Northern Territory News have argued that the Land Councils are opposing the changes to the legislation to 'maintain their privileged position'. The Northern Territory News

states that 'land councils and their supporters should consider the simple truth: the amendments to the Land Rights Act would not have been necessary if their system was not working'. Northern Territory News, 9-Aug-06, pg 10.

09-Aug-06 Awarded Teacher Backs Treaty Call

Territorian of the Year, Raymattja Marika has said that the anniversary of the referendum next year was 'the time for a formal treaty between indigenous and European Australians'. Northern Territory News, 9-Aug-06, pg 5.

09-Aug-06 Minister slammed for land rights rush (land rights)


Labor, the Greens and Australian Democrats have jointly stated that the Federal Government was 'rushing through' changes to the Aboriginal Land Rights (Northern Territory) Act. Senator Chris Evans said that the changes were about 'respecting the property rights of Aboriginal people'. Indigenous Affairs Minister Mal Brough has defended the changes saying that the Bill is 'a product of three reviews and numerous consultations conducted'. Northern Territory News, 9-Aug-06, pg 4; see also 'Attacking property interests no way to celebrate 30 years of land rights' Media Release, 8-Aug-06, pg 9 cf 'Land Rights Bill Provides Opportunities and Retains Choice, Media Releases, 8-Aug-06, pg 19; 'NT Land Rights Bill Lacking Support' Media Release, 1-Aug-06, pg 7.

10-Aug-06 ALRA Changes debated (land rights)

Opposition Indigenous Spokesman Chris Evans has said that the changes to the Aboriginal Land Rights (Northern Territory Act) is 'another paternalistic attempt to tell Aboriginal people what's good for them' and that the 'government is unilaterally reshaping the land rights regime without consultation. However Liberal senators have defended the bill saying that has been subject to review and will provide economic opportunity and empowerment. National Indigenous Times, 10-Aug-06, pg 3; Federal Court file no.: NSD6156/98; Tribunal file no.: NN98/6

13-Aug-06 Generations of Aboriginal people could lose control of land if new law is passed (land rights)

Oxfam is concerned that the proposed changes where in 'some instances the government might look to tie the promise of basic services - services the rest of us take for granted as citizens of Australia - such as education to 99 year leases that could pressure traditional land owners to hand over their land'. Media Releases, 13-Aug-06, pg 1. See also 'Laws



slammed' Queensland Times, 14-Aug-06, pg 3; 'Aboriginal land threatened as Senate passes bill' Media Release, 16-Aug-06, pg 35.

15-Aug-06 NT Land Rights Act condemned by UN rapporteur on housing

A UN Rapporteur on Housing, Miloon Kotahri was 'highly critical of the government's approach to Aboriginal housing and changes to the NT Land Rights Act.' He called for a human rights approach to housing saying that it was a "humanitarian problem" in Australia because it has continued unchecked for decades'. Media Release, 15-Aug-06, pg 37; 'Outcry at Aborigine Land Law' Age, 9-Aug-06, pg 9.

15-Aug-06 House prices up 50 pc

Strict planning laws have lead to increases in housing prices in the northern suburbs of Darwin by 50 per cent. Coupled with economic boom and population growth, this created the need for more land in Alice Springs which is surrounded by native title claims. Real Estate Institute NT chief executive Ryan O'Hanlon said that the biggest problem was access to land. Northern Territory News, 15-Aug-06, pg 1. See also *Big Squeeze hits Darwin*, Northern Territory News, 15-Aug-06, pg 5.

16-Aug-06 Under pressure: more consultation urged over Land Act changes

The Federal Government is under increasing pressure to 'abandon slabs' of its Aboriginal Land Rights (Northern Territory) Amendment Bill until it 'consults more widely with key stakeholders including traditional land owners'. The Senate Community Affairs Committee noted that there was 'insufficient time for many groups to prepare submissions' with the process allowing only three weeks for public comment. The committee was split on 'party lines' with Gary Humphries, Judith Adams and Guy Barnett recommending that the 'amendments proceed and the Government undertake ongoing negotiations'. In contrast, Chris Evans, Trish Crossin and Claire Moore argue for splitting the bill to allow for the mining and exploration provisions but subject the bill to 'further negotiations'. Rachel Siewert and Andrew Bartlett said that the Bill should not proceed without the 'full and informed consent of the indigenous peoples of the NT'. The committee conducted one hearing in Darwin where it heard evidence form the Northern Land Council which noted that the changes improve the workability of the system but 'cautioned against those changes that will have a detrimental impact on the rights of traditional owners'. During the consultations Territorian of the Year Raymatja Marika said: 'many of my people are poor, they are still living in poverty and, so money is attractive...But

are they really agreeing to the leases or are they agreeing because they are poor and need the money'. Koori Mail, 16-Aug-06, pg 1. For further comment see 'Why the haste over the NT Act?' Koori Mail, 16-Aug-06, pg 20; 'Petition on land rights legislation' Territory News, 18-Aug-06, pg 10; 'Bad day for land rights' Media Release, 16-Aug-06, pg 9; 'Land Rights Bill' Media Release, 16-Aug-06, pg 43; 'Bill Weakening NT Land Rights Passes Senate' Media Releases, 16-Aug-06, pg 79.

17-Aug-06 Territory to celebrate Wave Hill Walk off


The Gurindji people marked the 40th anniversary of the Wave Hill Walk Off where Aboriginal stockmen and their families from the Wave Hill Stations went on strike in 1966 'demanding equal pay and conditions as white workers'. They walked to Kalkaringi and later moved to the Daguragu where they remained on strike for nine years. The event 'is recognised as the moment that inspired the land rights movement in Australia' and has been celebrated with the Freedom Day Festival held in Kalkaringi. Northern Territory News, 17-Aug-06, pg 4; 'March to Freedom 20 years on' Katherine Times, 23-Aug-06, pg 3; 'Wave Hill Recalled' Canberra Times, 19-Aug-06, pg 9; 'Songs sung true mark wave of change' Northern Territory News' 19-Aug-06, pg 5; 'Walking into history: How the Wave Hill Men sparked the land rights movement' 19-Aug-06, pg 27.

17-Aug-06 Northern Territory Indigenous now free to choose (land rights)

Mal Brough has said that the new changes to the Aboriginal Land Rights Act will 'modernise the Land Rights Act to allow Aboriginal people to realise the economic potential for their land' through streamlining mining and exploration procedures, changing funding to land councils based on performance and allowing the leasing of Aboriginal land. He says that the 'unlocking of the economic potential of Aboriginal land will benefit all Territorians'. Media Release, 17-Aug-06, pg 55; 'Law change: boom in bush? Era of economic opportunity after decades of stagnation, says Tollner' Alice Springs News 24-Aug-06, pg 1; 'NT land rights concerns ignored' Koori Mail, 30-Aug-06, pg 6.

17-Aug-06 National breach feared in 'watertight' land rights

There has been speculation that the states will introduce similar changes to the amendments to the Northern Territory land rights legislation designed to 'kick start an enterprise culture in Aboriginal communities'. Queensland Aboriginal Affairs Minister John Mickel said that he 'wanted to look at the new



federal laws more closely before commenting'. However he and Premier Peter Beattie supported Noel Pearson's 'calls for more private land ownership among Aborigines as a path to economic empowerment'. Courier Mail, 17-Aug-06, pg 21.

17-Aug-06 **Land rights Bill**

The amendments to the Aboriginal Land Rights Act have been passed with the Government using its members in the Upper House to approve the changes. The federal opposition and indigenous groups have 'condemned' the changes 'fearing that the laws could force Aborigines to hand over control of their land in exchange for basic services'. The changes include offering low-interest loans and 99 year leases to encourage 'private ownership and economic development'. Toowoomba Chronicle, 17-Aug-06, pg 18; 'Senate Bracks changes' Age, 17-Aug-06, pg 10; 'Outcry over land rights' Daily Mercury, 17-Aug-06, pg 12; Daily News, 17-Aug-06, pg 14; Fraser Coast Chronicle, 17-Aug-06, pg 11; Gladstone Observer, 17-Aug-06, pg 13; Gympie Times, 17-Aug-06, pg 6; Morning Bulletin, 17-Aug-06, pg 14; Queensland Times, 17-Aug-06, pg 12; Coffs Coast Advocate, 17-Aug-06, pg 6, Daily Examiner, 17-Aug-06, pg 8; Northern Star, 17-Aug-06, pg 18; News Mail, 17-Aug-06, pg 12.

21-Aug-06 **Strikers' route now heritage**

The route taken by the strikers of the Wave Hill walk-off has been heritage listed. The dispute 'sparked' the land rights movement and has been celebrated by a Freedom Festival over the weekend. Heritage Minister Marion Scrymgour said that the 'walk-off played a seminal role in the development of Aboriginal land rights and declaring this route as a heritage place will maintain its historical and cultural importance'. Northern Territory News, 21-Aug-06, pg 7. See also 'Celebrating the Walk off' Koori mail, 16-Aug-06, pg 6.

21-Aug-06 **Aborigines need basic services too (land rights)**

Oxfam's director of public policy, James Ensor, says that 'basic services such as education and health care are the right of all Australians and should not be used as bargaining chips to pressure traditional owners to hand over their land'. He also said that the Government should ensure that 'traditional land owners are at the centre of decisions about the future of their lands'. Northern Territory News, 21-Aug-06, pg 13; 'Warnings as senate backs land rights changes' Age, 17-Aug-06, pg 2.

21-Aug-06 **Canberra branded a community land bully**

Territory Senator Trish Crossin says that 'Indigenous Territory communities are being "bullied" into signing 99-year leases' in exchange for basic services. She says that the Indigenous Affairs Minister, Mal Brough 'says you can have 50 new houses...[but] they should be entitled to housing as a human right'. However Mr Brough has said that the amendments 'modernise the Land Rights Act to allow Aboriginal people to realise the economic potential on their land'. Northern Territory News, 21-Aug-06, pg 3.

22-Aug-06 **Not enough talk on land rights (land rights)**

Indigenous Affairs Minister Mal Brough has 'conceded there could have been "better" consultation about fundamental changes to the Aboriginal land rights in the Northern Territory'. He said: 'look, I think that the process of the Senate committee could have been done better'. Northern Territory News, 22-Aug-06, pg 4; National Indigenous Times, 24-Aug-06, pg 3.

23-Aug-06 **185 native title claims in the NT**


The Northern Territory has 'more outstanding native title claims than any other jurisdiction...many [of which] cover pastoral land and were lodged after mining companies submitted exploration licences'. Tribunal President Graeme Neate said that 'some people may have put off lodging a claim for years and were then prompted to do it by an exploration licence.' Northern Territory News, 23-Aug-06, pg 3.

24-Aug-06 **No bush telegraph on land rights reform (land rights)**

Traditional owners, Wamud Debe Herreen and Djimbarrada Helen were 'deeply worried about the direction of the reforms and the lack of consultation involved'. They said: 'we went to the senate inquiry in Darwin but they didn't look like they were listening much, I think they had made up their minds'. Currently 'no traditional land owners in the area around Maningrida have received any letter from the government about the changes to the tenure of their land'. National Indigenous Times, 24-Aug-06, pg 3.

24-Aug-06 **No way to celebrate 30 years of land rights (land rights)**

Senator Chris Evans has said that the amendments to the Land Rights legislation 'make major changes to the property law system governing Aboriginal land amounting to almost half of the Northern Territory.' He said that Aboriginal people were 'not consulted and did not give their consent'. According to him the 'aim of Northern Territory land rights was to do justice where there has been injustice, to recognise the historical truth of Aboriginal land ownership and the paramount nexus of land, culture, law and



spirituality.' He reiterated the fact that the legislation had received bipartisan support and that there was a policy that 'it would not be amended without meeting a very strong test of traditional owners' knowledge and consent'. Otherwise 'to do so would be to undermine the Act's intent of providing justice to the people who for two centuries have been systematically dispossessed of their land'. He said that 'if there is injustice, coercion or unfair political interference with traditional property interests and the councils that represent them, we must name it and firmly reject it.' National Indigenous Times, 24-Aug-06, pg 20.

25-Aug-06 **Back into the darkness (land rights)**

Member of the Gilbert + Tolbin Centre for Public Law at the University of New South Wales, Sean Brennan has criticised the proposed changes to the Aboriginal Land Rights (Northern Territory Act) and says that 'its common sense that the Commonwealth, if it holds particular purse strings will use them...There's a potential for the breakdown of communal title and culture and social cohesion.' Aboriginal and Torres Strait Social Justice Commissioner Tom Calma has also said that while he supports economic development he does not 'support [it] being imposed on indigenous people'. Sydney Morning Herald, 25-Aug-06, pg 14.

25-Aug-06 **New council rules unsettle the balancing act (land rights)**

Land Councils will no longer be guaranteed funding and indigenous people unhappy with their performance will be able to set up representative bodies in competition to the councils' if more than 55 per cent of Aboriginal people in the area agree to it. Under previous arrangements funding had been based on a portion of the Aboriginal Benefits fund based on the number of people living in the council area. Now funding will be based on performance. Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma warns that this 'sets up the situation where non-traditional owners who inhabit a particular area could set themselves up as a new representative body and then negotiate the use of the land.' Director the Gilbert +Tolbin Centre for Public Law, Sean Brennan says that the new representative bodies will also lack the experience of the Land Councils. Sydney Morning Herald, 25-Aug-06, pg 14.

Queensland

29-Jun-06 **Chalco meets Beattie to bid for Cape York bauxite**

Australian representatives from the Chinese Aluminium corporation Chalco met with the

Queensland Premier in a 'bid for development rights to up to \$25 billion of bauxite at Aurukun on Cape York'. The Premier has said that the 'Government would examine the proposal in detail to see whether it met the requirements about job numbers and long-term economic benefits for the Indigenous community'. Australian, 29-Jun-06, pg 20.

04-Jul-06 **Development held up by native title claims**


The long term industrial development of the Charters Towers and Dalrymple council areas is being 'held up by native title claims' if 'unallocated state land is not opened up'. State Development Charters Towers officer James Doyle said that the region needed to be promoted as an area for development. Currently the Flinders Shire Council has reached an Indigenous Land Use Agreement with the Yirandali Native Title Group. Northern Miner, 4-Jul-06, pg 7. Tribunal file no.: QC00/1; Federal Court file no.: QUD6001/00; Federal Court file no.: QUD6001/01; Tribunal file no.: QC01/1; Current ILUA - National Native Title Tribunal File No: QI2003/011. Alliance formed. Media Release, 5-Jul-06, pg 1; Cairns Post, 5-Jul-06, pg 3.

05-Jul-06 **TSRA announces \$56.8m budget**

The Torres Strait Regional Authority (TSRA) has announced a budget of \$56 832 500 'directed towards bringing positive outcomes for the region's people during the 2006-2007 financial year'. TSRA Chairman Toshie Kris said that the TSRA has a 'commitment to achieve a better quality of life and to develop an economic base for Torres Strait Islander and Aboriginal people living in the region'. The funds will be used to 'achieve the TSRA's long term goals to gain recognition for Indigenous peoples, achieve a better quality of life for people living in the region, develop sustainable economic opportunities, gain better health and community, ensure environmental protection and assert native title rights and interests. Torres News, 5-Jul-06, pg 4.

05-Jul-06 **Historic alliance formed to opposed Wild Rivers legislation**

Indigenous leaders, landowners and graziers have formed a 'historic alliance to continue their fight against the State Government's devastating wild rivers legislation'. The group is urging the Premier to 'heed the call from his Deputy Anna Bligh for an immediate 12 month moratorium on all declarations' saying that the legislation has the 'potential to shut down economic development in north Queensland'. Cape York Land Council Chairman Michael Ross said that the 'alliance between the Pastoralists and Indigenous People in Cape York is a testament to the fact that we know what is best for our shared future'. The legislation restricts waterways and



floodplains which Aboriginal leader Noel Pearson finds contradictory. He said that 'they seem to be saying to us 'we can't trust you'. But the reason we have a pristine Cape York is because our people have looked after it for thousands of years'. He also warned: 'the way this policy will work out, Indigenous people will die on welfare [with] no prospect for development, no prospect for jobs, no prospect for developing the lands that they already have'. Alliance formed. Media Release, 5-Jul-06, pg 1; Cairns Post, 5-Jul-06, pg 3.

26-Jul-06 **Compromise on Wild Rivers**

Six rivers, the Gregory, Settlement, Fraser, Hinchinbrook, Staaten and Morning Inlet have been declared to be protected under the Wild Rivers Act. However a compromise has been reached with two kilometre buffer zones (High Preservation Areas) which are limited to low impact activities. Where mineral deposits are found 'Ministerial approval would be required to demonstrate the importance of the deposit and prove that they could extract it without harming the river system'. The amended legislation also allows fodder, essential infrastructure, clearing of regrowth on existing cropped and the extraction of sand and gravel from rivers for 'essential community needs'. However Agforce still believes that the 'philosophy behind the legislation limited the future aspirations and opportunities of local communities'. Wild Rivers Act Amended. Tablelands Advertiser, 26-Jul-06.

27-Jul-06 **Yalanji native title decision due**

A final decision on a claim by the Eastern Kuku Yalanji people will be handed down after fourteen years of negotiations between indigenous communities, the government, councils and other interested parties. The final draft of the native title determination is expected this month. A map has been shown by the Tribunal with the national park estate doubling from 80 000 ha to 162 000 ha 'to be held and managed by the Eastern Kuku Yalanji people as Aboriginal freehold land'. Tribunal member Graham Fletcher said that the 'parties are in the process of developing indigenous land use agreements about the practical relationships regarding their rights in the broader area'. The current leasing arrangements on the land would not change but some areas will be restricted from the public. Native title decision due. Port Douglas & Mossman Gazette, 27-Jul-06, pg 3. Tribunal File No.: QC 94/13; Federal Court File No.: QUD6008/98.

27-Jul-06 **More funds made available for land tenure resolution**

An additional \$1 million a year has been made available from 2006-07 'to resolve the tenure of 20 parcels of state-owned land on Cape York Peninsula'. The funding is a part of the Department of Natural Resources, Mines and Water's *Blueprint for the Bush* package which will use the funds to 'satisfy the Cape York Heads of Agreement that these properties be converted to term leases, National Park or Aboriginal Land Act freehold land'. Queensland Country Life, 27-Jul-06, pg 22.

01-Aug-06 **Bow clears native title**

Bow Energy has 'completed native title agreements over Queensland permit ATP 752P'. The area has 'several oil prospects with potential for high commercial oil rates.' Oil and Gas Gazette, Aug-06, pg 13.

17-Aug-06 **Esk to negotiate land rights**

The Esk Shire Council will establish a 'local government group' to negotiate with the Jinibara people who lodged a native title application over land also affecting Caboolture, Kilcoy, Caloundra, Maroochy, Pine Rivers, Ipswich and Brisbane in 1998. However proposed changes to Federal funding to meet native title legal professional costs has lead to this focus on negotiations. Kilcoy Sentinel, 17-Aug-06, pg 6.

22-Aug-06 **Bush preserved in historic land deal**

Bushland in Cooktown will be preserved in an Indigenous Land Use Agreement signed by the Queensland Government and the Yuku Baja-Muliku people. The traditional owners would help the Queensland Parks and Wildlife Service manage the protected area including the Annan River (Yuku Baja-Muliku National Park and the Annan River resources Reserve.) Cairns Post, 22-Aug-06, pg 10; 'Histories Agreement for Archer land handover' Cooktown Local News, 23-Aug-06, pg 7.


South Australia

29-Jun-06 **Council may participate in ILUA**

The Grant District Council said that it "would be pleased to participate in developing an Indigenous Land Use Agreement' with the Tatiara District Council. Border Chronicle, 29-Jun-06, pg 12.

04-Jul-06 **Native title stumbling block for Oyster town**

The Oyster Town project has been blocked by native title. There were plans to excavate the site and use the history to attract tourists to the area. The site was earmarked for the project after a pre-disturbance



survey conducted by the Flinders University. Eyre Regional Development Board development officer Peter Mitchell said that it was 'disappointing that the project had not attracted funding' and that there was a 'Native title issue which doesn't allow...excavation at all'. Port Lincoln Times, 4-Jul-06, pg 7.

05-Jul-06 Parkland in Walkerville may be relinquished

Parkland in Walkerville may be relinquished by the Walkerville Council to 'avert any legal or development costs'. The land which is a part of traditional Kurna land may be offered to the State Government to avoid being involved in any legal concerns. One lawyer noted that the council was 'being cautious because it risked facing increased development costs if it built on native title land. She said that 'there's also a risk, if you choose to see it like that that you will become embroiled in wider social issues'. Standard Messenger, 5-Jul-06, pg 1. Tribunal file no. SC00/1; Federal Court file no. S6001/00.

24-Jul-06 Exco resources secures agreement

Exco Resources has secured 'key native title agreements for its White Dame gold mine in South Australia'. It had reached agreement with all claimants from the Adnyamathanha people at White Dam. Mining agreement reached. West Australian, 24-Jul-06, pg 31. Tribunal File No.: SAD6001/98; Federal Court File No.: 99/1.

27-Jul-06 Mining operations cleared for Woomera

Oxiana will be '[permitted to conduct operations in the Woomera Prohibited Area following the signing of an access agreement with the Government'. The Deed of Access was the 'first of its kind allowing industry access to a Defence area for ongoing commercial operations'. An 'Indigenous Heritage Management Plan is being developed to guide the processes for managing Defence's activities in the Prohibited Area'. Army, 27-Jul-06, pg 4; Airforce, 27-Jul-06, pg 9.

02-Aug-06 Fifteen is just the beginning

The Aboriginal Legal Rights Movement's Native Title Unit has been 'focusing closely on developing employment and business opportunities for Aboriginal people'. It believes that this can be achieved through Indigenous Land Use Agreements which create certainty for all stakeholders, promote a skilled labour force and encourage investment in infrastructure and services. Koori Mail, 2-Aug-06, pg 26.

02-Aug-06 Agreement gives owners a say over their country

The Adnyamathanha people have signed an Indigenous Land Use Agreement with the South Australian Government ensuring they have an 'active role in the direction and management' of the Vulkathunha-Gammon Ranges National Park. The ILUA also recognises their rights and interests and that they can be exercised. The registration of the ILUA has been premised on excising the park from the remainder of their native title claim. Koori Mail, 2-Aug-06, pg 38. National Native Title Tribunal File No: SI2005/006

17-Aug-06 Victor votes on Native Title group

Representatives from Alexandria Council and the City of Hold Fast Bay are 'being supported in their bid to be part of the negotiating group for advancing the Kurna People's Native Title Claim.' The claim area affects 29 councils within the Port Pirie, Alexandrina and Yankalilla area. Times Victor Harbour, 17-Aug-06, pg 7.

23-Aug-06 Mine plan causes stir

The area of Waldeila, a five million year old sandstone hill, once a campground used along the trade route by Kurna and Ngarrindjeri will become part of a quarry in a planned mining application. Under the plan the land will be 'handed back to the Kurna people when the mining is completed in five to ten years and two Kaura people will be employed to work at the quarry.' Kaura elder Lynette Crocker said that 'it would be remiss if we didn't take these sorts of opportunities'. Southern Times Messenger 23-Aug-06, pg 10.


29-Aug-06 Title pact 'a guiding light'

The Yankunytjatjara and Antakarinja people's 'long-running' native title claim has been settled after reaching an agreement that covers an area of 18 750 sq km. Under the agreement 19 Aboriginal family groups and seven pastoral stations will 'share access and rights to the land'. Attorney General Michael Atkinson said that it was a 'guiding light' for the settlement of the outstanding 22 native title claims in South Australia. Adelaide Advertiser, 29-Aug-06, pg 9.

Tasmania

20-Aug-06 Sacred sites a hitch for mill

Gunns Ltd's proposed pulp mill in Tamar valley is also the site of 'ancient Aboriginal meeting places marked by stone artefacts, middens and other significant sites'. The Tasmanian Aboriginal Land



and Sea Council has made a submission to the Resources Planning and Development Commission saying that it is 'far from happy with the level of consultation with the Aboriginal community'. Sunday Tasmanian, 20-Aug-06, pg 15.

Victoria

27-Jun-06 **Aboriginal groups work with Catchment Authority**

Indigenous groups, the Ballarat and District Aboriginal Co-operative, the Framlingham Aboriginal Trust and Geelong's Wathaurong Aboriginal Co-operative have pledged a memorandum of understanding to work with the Corangamite Catchment Management Authority (CCMA) on natural resource management in South West Victoria. The MOU will provide a framework to 'balance land and water management with heritage values'. MOU pledged. Colac Corangamite Extra, 27-Jun-06, pg 3.

28-Jun-06 **Shire continues to support western bridge route**

The Murray Shire is 'unwilling to accept advice from the Yorta Yorta Nation council of elders' that a western route was 'not an option'. However the council said that it based its decision after receiving advice from the Bangerang traditional owners that there was no 'significant Aboriginal heritage' that will be obstructed. Riverine Herald, 28-Jun-06, pg 3.

07-Jul-06 **ILUA struck between Dja Dja Wurrung and developer**

A 'landmark' ILUA has been signed between the Dja Dja Wurrung and the development industry. The ILUA 'allows Forest Resort to be issued a Crown lease by the State of Victoria to expand its golf course on to...land currently subject to a native title claim by the Dja Dja Wurrung people'. As a part of the ILUA the Dja Dja Wurrung people will be given employment and training opportunities and interpretive story boards, signage and art will feature throughout the development. The claim group has also been recently involved with the Mineral's Council of Australia in drawing a template ILUA that 'covers mineral exploration in area of...Crown land and national park around and beyond the Castlemaine area'. ILUA signed. Castlemaine Mail, 7-Jul-06, pg 5. Tribunal File No.: VI2005/007

07-Jul-06 **Alternative proposal for convincing ground development**

Michael Maher has submitted an alternative proposal for his Convincing Ground development which will allow 'a six-hectare reserve on the

foreshore for the Aboriginal cultural heritage of the Convincing Ground, while going ahead with the...original subdivision'. The proposal has been opposed by Aboriginal and heritage groups for its 'high cultural inks to a Aboriginal massacre and the state's earlier whaling station'. Portland Observer, 7-Jul-6, pg 5.

08-Jul-06 **Gunditjmara representatives to make statement on pulp mill**


A Gunditjmara representative is expected to make a statement regarding the proposed Heywood pulp mill. This follows earlier threatened interlocutory injunction by Sandra Onus of the Yigar clan of the Gunditjmara Native Title claim group. She was 'furious that the company had not met with the clan members...to discuss the protection of Aboriginal cultural heritage sites, flora and fauna issues'. Hamilton Spectator, 8-Jul-06, pg 6. Tribunal file no.: VC99/7; Federal Court file no.: VID6004/98

10-Jul-06 **Former ATSIC chairman linked to \$40m development plan**

Geoff Clark, former ATSIC chairman 'is behind a \$40 million proposal to build a boutique hotel and golf links on 40ha of beachfront land on Victoria's west coast'. He says that the proposal would reflect 'the Federal Government's policy of encouraging Aborigines to establish business on remote holdings'. The land was bought from the Framlingham Aboriginal Trust and the proposal is designed to 'generate funds and employment for the Framlingham community and any decision would ultimately give the trust a say in both the building and the running of the venture'. His plans have been dubbed as a 'mighty cultural contradiction'. Mr Clark is currently the chief executive of the Framlingham Aboriginal Trust which owns the land said: 'we either stand still as a community and become simply curiosity value or we get involved in ongoing economic viability and provide employment and generate some income for the Aboriginal community'. The land has a 'spiritual link to Aboriginal mythology' and also has a 'significant' wetland area. Border Mail, 11-Jul-06, pg 9; AAP Newswire, 10-Jul-06; Geelong Advertiser, 11-Jul-06, pg 4; Launceston Examiner, 11-Jul-06, pg 5; Adelaide Advertiser, 11-Jul-06, pg 8; Herald Sun, 11-Jul-06, pg 4; Warrnambool Standard, 11-Jul-06, pg 4; Weekend Australian, 15-Jul-06, pg 10. See further: <http://www.atns.net.au/biogs/A000468b.htm>

11-Jul-06 **Native title stumbling block for Native Title claim lodged over Mornington Peninsula and Port Phillip Bay**

The Bunurong people have lodged a claim over land including Mornington Peninsula and Port Phillip Bay



on June 15. The four claimants are associated with the Bunurong Land Council Aboriginal Corporation whose spokeswoman said the 'group had lodged the claim in order to be given a say in the preservation of the Aboriginal heritage in the area'. Even though native title cannot be claimed on freehold land, the group 'may win the right to be consulted on the future use of some of the land and waters covered by the claim'. Native title claim lodged. Bayside Leader, 11-Jul-06, pg 11. Tribunal file no.: VC06/2; Federal Court file no.: VID667/06.

11-Jul-06 Gunditjmara claim draws slowly closer to end

The Gunditjmara people and the State Government have reached an agreement in principle which could end their 10 year 'battle' to claim land in South West Victoria. Directions hearings will be heard early August. Warrnambool Standard 11-Jul-06, pg 7. Tribunal file no.: VC99/7; Federal Court file no.: VID6004/98.

12-Jul-06 Native Title demystified in a booklet

The National Native Title Tribunal has produced a publication of the "Historical Accounts of Aboriginal People in the Buloke Shire, Victoria" which provides an overview of Indigenous history in the area in support of an information seminar held at the Wycheproof Resource Centre on native title claims. North Central News, 12-Jul-06, pg 7; Buloke Times, 7-Jul-06, pg 8.

12-Jul-06 Aboriginal group lodges claim over Port Phillip Bay

An Aboriginal group have lodged a native title claim over Port Phillip Bay, the Mornington Peninsula and Docklands. The Bunurong Land Council Aboriginal Corporation lodged the claim said that 'it is not a land grab, and they only want a say in what happens to their ancestors in land'. Corporation executive secretary Sonia Murray said that 'if the claim was successful, governments would have to consult with the council on major projects'. Native title claim lodged. Melbourne Leader, 12-Jul-06, pg 1, 3. Tribunal file no.: VC06/2; Federal Court file no.: VID667/06.

12-Jul-06 Traditional owners recognised during NAIDOC week

Management committees were presented with plaques of recognition for the Lakes Entrance Recreation Reserve, Nowa Nowa Public Hall, Bairnsdale Recreation Reserve and East Gippsland Rail Trail. Acting regional director for the Department of Sustainability and Environment (DSE) David Tainish said 'that as a key land manager in the

region, DSE recognises the need to include and involve indigenous communities in the management of public land'. Lakes Post, 12-Jul-06, pg 3.

15-Jul-06 Developer stands firm amidst heritage claims

Claims of an Aboriginal group have stopped the development of land, that was purportedly the site of a historic massacre, after the 'State Government backed the group, despite council permits and permission from another part of the local Aboriginal community to subdivide the property'. There is continuing controversy as to whether the Convincing Ground massacres occurred on the site. The land has been added to the Victorian Heritage Register 'due to its large holding of historical archaeological material'. The report states that the 'land is of significance to Aboriginal people but claims of an Aboriginal massacre on the site have not been proven'. Herald Sun. 15-Jul-06, pg 11; Warrnambool Standard, 15-Jul-06, pg 8.

29-Jun-06 Relationship committee goes bush


The Traditional Owners Relationship Committee held its first meeting on traditional land. The Committee was formed after the signing of the Participation Agreement between Traditional Owners and Argyle Diamonds. The Committee's role is to 'ensure a positive relationship is maintained between Argyle Diamonds and the Traditional Owners and the monitor the implementation of the Management Plans.' The agreement is designed to promote better working relations in order to achieve the goal of a 50 per cent Indigenous workforce. Kimberly Echo, 29-Jul-06, pg 15.

07-Aug-06 Bridge probe: Appeal to premier to investigate

Victorian Premier Steve Bracks has been requested to 'investigate the legality of the Yorta Yorta's refusal to allow a bridge to be built over the Murray River'. Under the Yorta Yorta Nation Aboriginal Corporation Constitution any decision to refuse consent needed to be unanimous. However some members of the Council had not been notified of the meeting. Member for Rodney Noel Maughan said that 'the bridge issue is of vital concern to all Echuca-Moama residents...and that the Yorta Yorta have not been transparent and up front with regard to this very important decision.' Riverine Herald, 7-Aug-06, pg 1.

10-Aug-06 Koori trust opposes claim

The Framlingham Trust is opposing the Gunditjmara native title claim which extends from the Yambuk to the South Australian border and north to the Grampians. Trust Executive Officer said that he



could not disclose why he opposed the claim until mediation had been finalised. Mediation between the claimants, the State of Victoria and the Gunditjmarra's people's legal representative have been ongoing since 2002. The outcome of the mediation talks will be reported back to the Federal Court before a directions hearing on August 28. Professor Mick Dodson has been 'appointed as an independent mediator' in the recent discussions. Warrnambool Standard, 10-Aug-06, pg 3; 'Indigenous Groups in mediation' Portland Observer, 14-Aug-06, pg 5. Federal Court file no.: VID655/06; Tribunal file no.: VC06/1

14-Aug-06 **Burial Site Claim**

The Future Land Use Steering Committee is investigating claims in a documented tendered by Glenrowan man Gary Dean, that there are up to 50 Aboriginal burial sites embedded in the base of Lake Mokoan. The sites were not discovered in an earlier archaeological study. Committee deputy chairman Russell Ellis said: 'we don't believe from an indigenous perspective that the Victorian Government has taken enough notice'. The 'project team will continue to work with its heritage consultant and indigenous representatives to ensure that the protection and future management of historical and cultural heritage sites is a key component of the final land use agreement. Country News insert, 14-Aug-06, pg 7.

16-Aug-06 **Nations to meet for native title talks**

Traditional owners from the Wamba Wamba, Wadi Wadi and Baraparapa peoples have attended a meeting to 'discuss the progress of native title negotiations, the Victorian Aboriginal Heritage Act...and other issues impacting on the tradition country of the groups.' The new heritage arrangements would lease to the North West Region Aboriginal Cultural Heritage Program and replace it with a state-wide Aboriginal Heritage Council. Swan Hill Guardian, 16-Aug-06, pg 2.

29-Aug-06 **Talks on the agenda**

The Bangerang people will be meeting with the Victorian Aboriginal Affairs Minister Gavin Jennings in order to progress the 'stalemate preventing the construction of the second bridge at Echuca-Moama.' Under the Victorian Aboriginal Heritage Act 2006, 'Registered Aboriginal Parties would be given the power to make decisions on cultural issues within a particular geographic area'. However in areas such as Echuca there are no clear boundaries and there can be disputes as to which groups spoke for which area. The Yorta Yorta had an agreement with the Victorian Government 'which gave them authority to speak on behalf of country' but the

Bangerang people have claimed that their views have not been heard. Riverine Herald, 28-Aug-06, pg 2.

30-Aug-06 **Leaders consent to bridge**

The Bangerang Aboriginal people will 'break from the Yorta Yorta nations...to register their consent for a second river crossing'. Leaders of the group say that they were 'kept out of Yorta Yorta talks' to veto the western option for the new bridge. Bangerang elder John Atkinson said that 'this kind of decision should never have been made without consultation with the rest of the community.' Bendigo Advertiser, 10-Aug-06, pg 12.

Western Australia

01-Jun-06 **Frank talk opening doors**

The welfare of Indigenous people has not improved despite almost 40 years of mining activity in the Pilbara region. Yamatji executive director Simon Hawkins said that the Aboriginal people supported mining and wanted to be a part of the process. They are 'yet to play a meaningful role in the mining boom'. He suggested that initiatives such as issuing shares, subcontracting to indigenous businesses and implementing cultural heritage management plans would enable indigenous communities to 'take responsibility' for the issues affecting them. Gold and Minerals Gazette, Jul-06, pg 94.

01-Jul-06 **WA faces choice between heritage and economic gains**

The current China driven resource boom has forced the Western Australian government to choose between protecting valuable rock art on the Burrup Peninsula and the economic interests of the companies who have invested or will invest in infrastructure in the area. The rock art is currently protected under the State's Heritage Legislation but will not receive the highest level of protection under the National Heritage Register. The Western Australian Government opposes the listing since it could have 'potentially grave consequences for the resource players'. National Trust Director Tom Perrigo has frankly stated: 'Would England move Stonehenge for a mine or Egypt sell its pyramids for oil?' We have something older than both of them and we are planning to destroy them'. State is considering application for state Aboriginal heritage protection to be lifted. Weekend Australian 1-Jul-06, pg 25.



01-Jul-06 Justice Wilcox mentions soccer in native title claim

Justice Murray Wilcox used the analogy of soccer after an argument over the definition of unity in a native title claim over the metropolitan area of Perth. One of the claims was lodged by Corrie Bodney on behalf of the Ballaruk and Didjerak family over the land and sea from Swanbourne to City Beach. The other claim was lodged by the Noongar Land Council and covers the whole of the South-West and surrounding islands. Hearing to deal with technicalities set for August. Subiaco Post, 1-Jul-06, pg 10. Federal Court file no.: WAD149/98; Tribunal file no.: WC95/86; Tribunal file no.: WC03/6; Federal Court file no.: WAD6006/03.

06-Jul-06 Private developer sought to provide infrastructure for Ord Stage II

The Western Australian Government is seeking 'expressions of interest in providing infrastructure for Ord Stage II'. Proposals will be assessed on 'how these benefits are maximised and delivered to the local community, particularly Aboriginals'. Resources minister John Bowler said that 'the agreement between the state and the Miriuwung Gajerrong people will facilitate their greater participation in the development of the region'. However some doubt whether the Growing East Kimberly campaign will achieve anything following similar announcements back in 1997. Kimberly Echo, 6-Jul-06, pg 1.

06-Jul-06 Cross examination of elders causes outrage

Goolarabooloo (Rubibi member) Joseph Roe has been angered by the way that 'elderly people were forced to prove their existence and their right to existence on their country'. He said that Indigenous elders were placed on a 'roller coaster ride of hope and despair, tears and anger and relief' and now they have been 'thrust back onto the legal process that shows no respect for their age and frailty'. According to him, the contested land in the Rubibi 5A claim area was the current Government's mess and anger should not be directed at the Rubibi people. Broome Advertiser, 6-Jul-06, pg 6. Tribunal file no: WC99/23; Federal Court file no: WAD6006/1998; Tribunal file no: WC04/6; Federal Court file no: WAD223/2004

06-Jul-06 Contested lots of land explained

Kimberly Land Council Executive Director Wayne Bergman has clarified the legal position of the lots of land discussed in the Rubibi claim. He said that the 'determination covered pastoral leases and unallocated crown land blocks. As such the court has not made any finding in relation to the 140 lots'.

The State has conceded that the grant of freehold land over the land was invalid and as a consequence native title was never extinguished. He said that the Rubibi community was trying to negotiate with the State but the 'State's recent appeal of the Rubibi determination has [made this] more difficult'. According to him this problem could be easily resolved by agreement between the Rubibi people and the State. Broome Advertiser, 6-Jul-06, pg 7.

08-Jul-06 WA Government hands over \$7 million in compensation

The Western Australian Government has 'handed over almost \$7 million in compensation to traditional owners of land in East Kimberly'. The money is the 'first instalment of a landmark \$56 million deal with the Miriuwung Gajerrong' aimed to develop the Ord River region. Daily Telegraph, 8-Jul-06, pg 16; National Indigenous Times, 13-Jul-06, pg 3.


08-Jul-06 WA Government criticised over native title deal

Indigenous leader Patrick Dodson has criticised the Western Australian Government in its negotiations with the Miriuwung Gajerrong people. He said that the 'state has found it difficult to deal with Aboriginal issues, concepts like extinguishment of native title and... the proper feel for the culturally appropriate way to negotiate.' Mr Dodson found that its 'agencies have emerged from a culture that has not always been sympathetic to Aboriginal interests and indeed sometimes been absolutely hostile'. According to him 'sometimes it appeared from [his] side of the negotiation fence that the state had tendency to err in favour of the larger corporate players and leave Aboriginal interests last in the queue.' Weekend Australian, 8-Jul-06, pg 6.

12-Jul-06 Noongar count down to official handover of Roelands Mission

Local Noongar people are anticipating the official handover the Roelands Mission after it was purchased by the Indigenous Land Corporation for more than \$1 million. The Roelands Mission was 'set up with a land donation in the 1940s and for decades used to house Aboriginal children forcibly removed from their parents.' Former Roelands Mission resident Frances Kahn said that 'when [the mission] is fully restored and set up...people would be able to visit and see examples of indigenous culture' and that 'it was now 'being turned into a positive aspect of the lives of Aboriginal people'. Roelands Missions to be handed back. Bunbury Mail, 12-Jul-06, pg 5.

13-Jul-06 Sales negotiations for Dongara site fallen through



MG Kallis will need to 'head back to the drawing board...after sales negotiations for the Dongara site fell through'. The company had been in negotiations with PMB Corporation to build a resort but discussions were unsuccessful. Irwin Shire CEO John Merrick said that if the Shire 'paid any claimants five per cent of the proceeds from the development, they could avoid the native title process and get the development underway'. Mid-West Times, 13-Jul-06, pg 1.

14-Jul-06 **Australian Mines strikes gold**

Australian Mines has discovered gold near its underground nickel mine between Kalgoorlie-Boulder and Kambalda. It is estimated that the prospect contains 132 266 tonnes at 2.88g/tequivalent to 12 245 ounces of gold. The depth of the deposit and its close proximity to Australian Mines operations makes the site ideal. Native title negotiations in relation to the mine have been completed. Mining negotiations completed. Kalgoorlie Miner, 14-Jul-06, pg 7.

27-Jul-06 **Growing Donnybrook-Balingup population creates demand for residential land**

Native title claims along with State Government infill sewerage scheme delays' have placed additional pressure on Donnybrook-Balingup to deal with its growing population. Shire Council chief executive John Attwood said that the 'town was working through Native title claims on crown land surrounding the shire's townships'. South Western Times, 27-Jul-06, pg 8. *Gnaala Karla Booja* Tribunal File No.: WC 98/58; Federal Court File No.: 6224/98; *South West Booja* Tribunal File No.: WC 98/63; Federal Court File No.: WAD 6279/98; *Single Noongar Claim (Area 1)* Tribunal File No.: WC 03/6; Federal Court File No.: WAD 6006/03.

28-Jul-06 **Rock art versus an iron will**

Fortescue Metal's Pilbara mining plans have been opposed by an Indigenous groups lead by prominent author Sally Morgan who plans to 'block his plans to build a railway close to sensitive rock art in the Woodstock Abydox area of the Pilbara'. Mr Forrest claims that the Pilbara Native Title Service was 'breaching the terms of an agreement reached last year to facilitate his project by assisting Aboriginal opposition to the railway line'. He said that the "philosophy of the PNTS is to prise money from mining companies and then control the money through what they call charitable trusts and boards that they happen to sit on and then dole it out to people who...don't actually have the incentive to improve our situation". In a report written by Philip Hunter from Ebsworth & Ebsworth, it was found that 'some rogue native title claimants and third parties

are hampering the speedy resolution of negotiations between miners and native title claimants'. Fortescue has also 'unsuccessfully tried to cut PNTS out of negotiations with native title claimants amid an ongoing dispute between the company and the land council over unpaid bills'. Australian Financial Review, 28-Jul-06, pg 30; for a more detailed report see also 'Brand New Day' published in the AFR Magazine 28-Jul-06, pg 41.

01-Aug-06 **Aztec's reclaimed island promises a high-grade iron ore bounty**


Mining is set to resume on Koolan Island after Aztec has secured a lease on the island, lined up employment, contractors and the support of the Western Australian Government. Chairman, Ian Burston also represented the firm in the signing of a "co-existence deed land access agreement" between the Aztec and Dambimangari people'. The agreement has been negotiated between Aztec, the Dambimangari people and the Kimberly Land Council over the last two years. The land access agreement is built on "understanding, trust and, most important, cooperation". He also said that the agreement was about 'bringing two cultures together'. Dambimangari spokeswoman Janet Oobagooma congratulated Aztec Resources for the "way the agreement was negotiated". The agreement includes rehabilitation, business opportunities and the payment of mining royalties. Mining Chronicle, Aug-06, pg 66. See further <<http://www.atns.net.au/biogs/A002868b.htm>>

01-Aug-06 **Securing Koolan Island's workforce**

Kimberly TAFE has 'been working in with Aztec Resources and the Kimberly Land Council to prepare local people for the employment opportunities' that have emerged from the reopening of the Koolan mine. This has included a local skills audit and assisting the community to develop skills and confidence to gain employment. One of the major barriers to employment is the change in lifestyle, 'possible social and family pressures and the person not having sufficient life skills to deal with the changes required'. The course itself also attempts to deal with attendance and drug and alcohol usage. Mining Chronicle, Aug-06, pg 70. See further <<http://www.atns.net.au/biogs/A002868b.htm>>

02-Aug-06 **Fight to save peninsula rock art**

The West Australian Government has announced a management plan for the Burrup Peninsula including the protection of 60 per cent of the petroglyphs on proposed Aboriginal freehold land. The plan will be managed by an Aboriginal body corporate and the West Australian Government. The Government is also calling for submissions for a cultural centre and



tourist accommodation in the area. Woodside is planning to develop the area for on-shore processing infrastructure and claims that a substantial percentage of the rock art falls outside the development area. However National Trust Australia has said: 'to say that we can now hand 40 per cent of the rock art precinct over to industry is not management...it would be inappropriate to hand over 40 per cent of Stonehenge to industry'. Koori Mail, 2-Aug-06, pg 9.

03-Aug-06 **Djaru mount Bungles protest**

The Djaru people have mounted a protest after being 'locked out of the park management structure in the Bungles.' Often during meetings 'conflicts [arose]...when cultural issues [were] discussed'. Djaru woman Bonnie Edwards said that 'in this Forum [between traditional owners and the Department of Conservation and Environment] they are unable to the involved'. An anthropologist has been appointed to resolve the problem. Kimberly Echo, 3-Aug-06, pg 3.

03-Aug-06 **Gleneagles cops it on title**

Gleneagle Gold has denied allegations that it had carried out exploration on tenements north of Meekatharra without an indigenous heritage agreement. Managing director Ian Prentice said that the company was aware of the complaints made by the Jidi Jidi but said that while the matter of access needed to be discussed the company had not conducted exploration on the land. A Jidi Jidi Aboriginal Corporation public officer said: 'the company is working in an area that has our people's Aboriginal site and we now have no choice but to ask the Minister for Indigenous Affairs to urgently carry out a full investigation to see if the company has destroyed out special cultural heritage places where the company is drilling unlawfully'. Business News, 3-Aug-06, pg 3; 'State weighs in Gleneagle dispute' Business News, 17-Aug-06, pg 10; 'Mining company denies allegations' Kalgoorlie Miner, 10-Aug-06, pg 18. Federal Court No: WAG 72-75/98; National Native Title Tribunal No: WC99/13

09-Aug-06 **McFarlane to chair conservation body**

Native Title solicitor Bardy McFarlane will 'chair a new cooperation body overseeing heritage and conservation management on the Dampier Archipelago'. He was appointment for his 'understanding of the issues affecting the region' and will report to cabinet later in the month. Pilbara News, 9-Aug-06, pg 2.

10-Aug-06 **Argyle iron deposit report**

Resource Mining Corporation has made a report to the Australian Stock Exchange citing that contact has been made with the Kimberly Land Council in regard to native title over its proposed iron ore mining project in the East Kimberly. Kimberly Echo, 10-Aug-06, pg 1. Tribunal file no.WC06/1-1; Federal Court file no.WAD15/06

12-Aug-06 **Minister needs to act decisively**

Indigenous Affairs Minister Sheila McHale has failed to act 'decisively' to ensure that Golden West Resources Ltd complies with the Aboriginal Heritage Act. The company has continued exploration 'despite warnings and requests from the Department of Indigenous Affairs and the Goldfields land and sea council for the activities to stop'. The sites had been previously identified by an independent anthropologist commissioned by the company. Goldfield Land and Sea executive director Brian Wyatt says that 'this case has all the hallmarks of the cavalier disregard for Aboriginal cultural interests by miners and others that the Act was designed to stamp out.' Kalgoorlie Miner, 12-Aug-06, pg 2; 'Heritage claim stalls project' Geraldton Guardian, 16-Aug-06, pg 3.

24-Aug-06 **Ord final agreement registered**

The Ord Final Agreement, Western Australia's 'most comprehensive' Indigenous Land Use Agreement has been registered by the National Native Title Tribunal. The agreement between the Miriuwung Gajerrong people and the Western Australian Government covers 14 000 sq km and resolved the 'State's compensation liability for the Miriuwung Gajerrong 1 and Miriuwung Gajerrong 4 native title claims. Deputy Premier Eric Ripper also said that 'the ILUA provides the State Government with absolute certainty for the future development of this region'. Kimberly Echo, 24-Aug-06, pg 5; National Native Title Tribunal File No WI2005/003

24-Aug-06 **New native title application**

The South West Aboriginal Land and Sea Council will 'seek authorisation to amend a current South West Boojarah application from biological and adopted descendents' that was lodged in 1998. The authorisation of the traditional owners will be required in order for the South West Aboriginal Land and Sea Council to continue to represent the claimants. The current claim covers land from Capel down to Point D'Entrecasteaux and the 'council seeks to register the claim to give owners more negotiation power in future acts'. Busselton Margaret River Times, 24-Aug-06, pg 5.

31-Aug-06 Big Shot

As a part of the native title agreement between Tanami Gold and the Tjurabalan the company will employ Aborigines from Tjurabalan and Balgo. Tanami Gold executive Denis Waddell said that this was a 'partnership' and that 'the opportunity for us to bring training and employment for the Tjurabalan people was an important part of that process'. He also said that a very important part of that process was that 'we structured the arrangements so that royalties and other payments went into a trust account that is spent on community benefits, training, medical services and other things that could well lead to investment opportunities'. Australian, 31-Aug-06, pg 20.

Campbell grants a national heritage listing on the Burrup Peninsula. The Premier told parliament that the 'State Government could manage the peninsula successfully and sensibly'. He said that the heritage listing could have a 'an absolutely devastating impact on industry in that area and obviously therefore in the flow-on strength of the Australian economy'. Mr Carpenter has appointed Bardy McFarlane to chair a 'co-ordination body'. He says that the listing would be absurd because 'applications for an injunction to stop work...could be lodged by parties outside Australia'. West Australian, 31-Aug-06, pg 17.

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31-Aug-06 WA to fight heritage bid for Burrup

Alan Carpenter has 'warned of economic catastrophe' if the Federal Environment Minister Ian

APPLICATIONS LODGED WITH THE NNTT

DATE FILED	APPLICATION NAME	APPLICATION TYPE	STATUS	STATE/ TERRITORY	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
7/07/2006	Lorenze, Robert and Ruby Bucton	Non-claimant application	Active	NSW		NSD1314/06
7/07/2006	Tennant Creek No.2	Claimant application	Active	NT		NTD8/06
12/07/2006	Western Bundjalung	Claimant application	Active	NSW		NSD1344/06
28/07/2006	Mitakoodi and Mayi Peoples #4	Claimant application	Active	QLD		QUD295/06
4/08/2006	Gosford City Council	Non-claimant application	Active	NSW		NSD1482/06
23/08/2006	North Eastern Wiradjuri People	Claimant application	Active	NSW		NSD1618/06

(This information has been extracted from the National Native Title Tribunal website www.nntt.gov.au) For further information regarding Applications Lodged contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au

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REGISTRATION TEST DECISIONS

DECISION DATE	APPLICATION DATE	APPLICATION NAME	STATE/TERR.	DECISION	NNTT FILE NO.	FEDERAL COURT FILE NO.
6/07/2006	28/10/2004	Wiluna #2	WA	Not Accepted	WC04/7-2	WAD241/04
10/07/2006	9/06/2006	Gunditjmara #2	VIC	Not Accepted	VC06/1-1	VID655/06
1/08/2006	9/02/2006	Garuahgal People	NSW	Not Accepted	NC06/2-1	NSD208/06
9/08/2006	12/07/2006	Western Bundjalung	NSW	Not Accepted	NC06/7-1	NSD1344/06
15/08/2006	1/06/2005	Puutu Kunti Kurrama and Pinikura 2	WA	Accepted	WC05/4-1	WAD126/05

(This information has been extracted from the National Native Title Tribunal website www.nntt.gov.au) For further information regarding Registration Test Decisions contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au

APPLICATIONS CURRENTLY IN NOTIFICATION

NOTIFICATION CLOSING DATE	APPLICATION NAME	APPLICATION TYPE	DATE FILED	STATE/ TERRITORY	NNTT FILE NO.	FEDERAL COURT FILE NO.
6/09/2006	Gugu Badhun People #2	Claimant application	22/03/2005	Queensland	QC05/7	QUD85/05
6/09/2006	Lardil, Yangkaal, Gangalidda & Kaiadilt Peoples	Claimant application	12/01/2006	Queensland	QC06/1	QUD7/06
6/09/2006	Karingbal #2	Claimant application	20/01/2006	Queensland	QC06/5	QUD23/06
6/09/2006	Gingirana	Claimant application	10/03/2006	Western Australia	WC06/2	WAD6002/03
20/09/2006	Town of Batchelor No.2	Claimant application	29/08/2005	Northern Territory	DC05/4	NTD21/05
20/09/2006	Kulyakartu	Claimant application	11/10/2005	Western Australia	WC05/7	WAD293/05
4/10/2006	Mount Doreen	Claimant application	11/04/2005	Northern Territory	DC05/2	NTD5/05
4/10/2006	Mt Everard	Claimant application	8/11/2005	Northern Territory	DC05/12	NTD36/05
4/10/2006	Bahtabah Local Aboriginal Land Council #1	Non-claimant application	22/05/2006	New South Wales	NN06/6	NSD986/06
4/10/2006	Napperby	Claimant application	12/04/2005	Northern Territory	DC05/3	NTD6/05
4/10/2006	Alcoota No. 2	Claimant application	8/11/2005	Northern Territory		NTD35/05
4/10/2006	Bahtabah Local Aboriginal Land Council #2	Non-claimant application	22/05/2006	New South Wales		NSD987/06
19/10/2006	Gunditjmara #2	Claimant application	9/06/2006	Victoria		VID655/06
1/11/2006	Karnapyrri	Claimant application	22/03/2006	Western Australia		WAD77/06
15/11/2006	Wiluna #2	Claimant application	28/10/2004	Western Australia		WAD241/04
29/11/2006	Robert Kingwell	Non-claimant application	28/06/2006	New South Wales		NSD1249/06
29/11/2006	Lorenze, Robert and Ruby Bucton	Non-claimant application	7/07/2006	New South Wales		NSD1314/06

12/12/2006

[Puutu Kunti Kurrama
and Pinikura 2](#)Claimant
application

1/06/2005

Western
Australia

WAD126/05

(This information has been extracted from the National Native Title Tribunal website www.nntt.gov.au) For further information regarding Applications Currently in Notification contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au

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ILUAS

NNTT FILE NO.	NAME	TYPE	STATE/TERR.	REG. DATE	SUBJECT MATTER
WI2005/003	Ord Final Agreement	Area agreement	Western Australia	16/08/2006	Development
WI2004/006	Telstra Ngaanyatjarra ILUA	Body corporate agreement	Western Australia	11/08/2006	Access

(This information has been extracted from the National Native Title Tribunal website www.nntt.gov.au) For further information regarding ILUAs contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au

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DETERMINATIONS

SHORT NAME	CASE NAME	DATE	STATE/TERR.	OUTCOME	LEGAL PROCESS
Worimi Local Aboriginal Land Council #3	Hillig as Administrator of Worimi Local Aboriginal Land Council v NSW Native Title Services Ltd [2006] FCA 1184	01/09/2006	NSW	Native title does not exist	Unopposed determination
Yankunytjatjara/Antakirinja	Yankunytjatjara/Antakirinja Native Title Claim Group v The State of South Australia [2006] FCA 1142	28/08/2006	SA	Native title exists in parts of the determination area	Consent determination
Timber Creek	Griffiths v Northern Territory of Australia (No 2) [2006] FCA 1155	28/08/2006	NT	Native title exists in the entire determination area	Litigated determination
Eden Local Aboriginal Land Council	Cruse v New South Wales Native Title Services Ltd [2006] FCA 1124	23/08/2006	NSW	Native title does not exist	Unopposed determination

(This information has been extracted from the National Native Title Tribunal website www.nntt.gov.au) For further information regarding Determinations contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au

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ITEMS IN THE AIATSIIS CATALOGUE

The following list contains either new or recently amended catalogue records relevant to Native Title issues. Please check MURA, the AIATSIIS on-line catalogue, for more information on each entry.

Audiovisual materials

The AIATSIIS Audiovisual Archive holds a sizeable collection of 78 rpm discs containing early recordings of Aboriginal music and speech, some dating from the 1930s. These can be found on AIATSIIS' on-line catalogue, MURA, by searching on PR_00, which is part of the matrix numbers. These include recordings made by A.P.Elkin, early radio discs, and some of the *Buenas Nuevas* recordings, which are Bible stories told in Anindilyaugwa, Nunggubuyu, Larrakia, Batjmal, Wogait and Malak Malak recorded in the 1950s.

Print materials

The National Native Title Tribunal has deposited the following Research Report Bibliographies:

Western Australia: Banyjima, Balangarra, Dja Dja Wurrung, Gnaala Karla Booja, Jurruru, Kariyarra, Kurrama, Mardudhunera, Nyiyaparli, Palyku, Thudgari & Gnulli, Yaburara

Queensland: Bindal, Darumbal, Indjilandji, Jangga, Kalkadoon, Karuwali, Koinjmal, Maiawali, Wulgurukaba

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Intellectual property

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WHAT'S NEW WITH THE NTRU

Staffing

Dr Angela Philp has resigned as publications officer to take up a role as research assistant. Tran Tran is currently acting in her place.

Project Officer Lara Wiseman has returned to NTRU on a part time basis.

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THE NATIVE TITLE RESEARCH UNIT

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