



Native Title Newsletter

March/April 2006

No. 2/2006

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WHAT'S NEW WITH NTRU

- **Native Title Conference 2006**
Tradition & Change, Culture & Commerce
24-26 MAY 2006, see page 12

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.



NEWS

Yulara Compensation Claim

Jango v Northern Territory of Australia (includes Summary) [2006] FCA 318 (31 March 2006)

On 31 March 2006, the Federal Court of Australia dismissed the Yulara compensation claim. There were several issues of contention where the anthropological reports were questioned. First of all, their reports suggesting differences in the patrilineal descent model and in the notion of 'discrete bounded areas or estates' were not accepted by Sackville J, who generally upheld the views of previous anthropological literature. Also, Sackville J found that the laws and customs of the applicants could not be seen as 'traditional'. The report was dismissed on the grounds that "the analysis does not assist the applicants to establish that the current laws and customs relating to rights and interests in land represent an adaptation of pre-sovereignty norms." (17.5.5.2, para 507). The findings bring up a number of concerns for anthropologists and others preparing reports for native title claims.

You can read the full judgement from the Federal Court at:

<http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/cth/federal%5fct/2006/318.html?query=%5e+jango>

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Larrakia Native Title Claim

Risk v Northern Territory of Australia (includes Summary) [2006] FCA 404 (13 April 2006)

The Larrakia people, whose country includes areas in and around Darwin, Palmerston and Litchfield in the Northern Territory, had their native title claim dismissed by the Federal Court on April 13, 2006.

In a summary of the judgement, Justice John Mansfield said that 'the evidence shows that a combination of circumstances has, in various ways, interrupted or disturbed the presence of the Larrakia people in the Darwin area during several decades of the 20th century in a way that has affected their continued observance of, and enjoyment of, the **traditional** laws and customs of the Larrakia people that existed at sovereignty'. He concluded that 'current Larrakia society, with its laws and customs, has not carried forward the traditional laws and customs of the Larrakia people' and thus does not 'support the conclusion that those traditional laws and customs have had a continued existence and vitality since sovereignty'. Justice Mansfield did not find the current laws and customs of the Larrakia to be 'traditional' in the sense required by s 223(1) and as explained by the High Court in *Yorta Yorta*.

You can read the full judgement from the Federal Court at:

http://www.austlii.edu.au/au/cases/cth/federal_ct/2006/404.html

[Rubibi Community v State of Western Australia \(No 6\)\(includes Corrigendum dated 15 February 2006\) \[2006\] FCA 82 \(13 February 2006\)](#) Determination native title exists.

Available at http://www.austlii.edu.au/au/cases/cth/federal_ct/2006/82.html

13-Apr-06 Mary Beckett has represented the Alexandria Council during negotiations for an ILUA in the Kurna Native Title application area. **Beckett present at Kurna negotiations** Times, 13-Apr-06, pg 9. **Kurna Peoples Native Title Claim** - Tribunal File Number: SC00/1, Federal Court File Number: SAD6001/00.

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These findings and others will be addressed at the Native Title Conference to be held in Darwin 24-26 May. Please come along to register your critiques and ideas.



CLAIMANT COMMENT

Claimant Comment – The Western Yalanji Native Title determination Friday 17th February 2006.

Danny O'Shane

Courtesy of The Message Stick, the official newsletter of the North Queensland Land Council

There are probably two important aspects of Western Yalanji country that people in the rest of Australia should know if they don't already. One is that the country lies in the Mitchell River catchment system on the Western side of the Great Dividing Range on Southern Cape York Peninsula. The Mitchell River is fed by many tributaries including the Saint George, the Hodgkinson and the Palmer. Although in the late dry season the river system can cease to flow, there remains a series of permanent water holes which have supported human and animal life for thousands of years. Needless to say this area supported a large and healthy population of Kuku Yalanji people before European contact. The other important aspect is that two gold fields, the Hodgkinson and the legendary Palmer River gold fields, lie in the heart of our country.

The various clan groups or "warra", in Kuku Yalanji, come under one law with the right to speak for country but also having obligations to neighbouring groups. Our Yalanji ancestors nurtured the land through controlled burning, cleaning of springs and waterways and ceremony to maintain the land for its human and animal inhabitants.

It was in the late 1800s that Europeans first discovered gold in the region and it wasn't long before many thousands of Chinese and Europeans descended on the rich gold fields in search of their personal fortunes. Because it was the late 1800s many people my age (I'm in my 60s) had contact with grandparents and others who gave first and second-hand accounts of events that took place after the inevitable clash of cultures. The clash of cultures was inevitable because the Chinese and Europeans viewed the land as valuable only for the gold it could deliver to them. The Kuku Yalanji saw it as far more valuable, so valuable that their very lives depended on it. It was their Mother.

When our ancestors saw the newcomers desecrating their sacred story places and

churning and muddying the rivers in search of gold they began a campaign to chase the strangers from the land. With spears and woomeras our ancestors fought against the intruders' rifles for over a decade as their numbers dwindled to a level that threatened their extinction. In the face of superior weapons and overwhelming numbers our ancestors had to abandon their campaign. What had once been a thriving nation was now reduced to a handful of families.

It was a descendant of one of these families, Mr. Rodney Riley, who lodged the Native Title application for the Western Yalanji 3# on behalf of the Western Yalanji people in 1998. Some eight years later on Friday 17th February 2006 we found ourselves at a sitting of the Federal Court convened in the tiny North Queensland township of Mount Carbine (which sits squarely in Western Yalanji country) presided over by his Honour Allsop J.

Years had been spent in negotiation and mediation, all necessary documents and agreements were in place, so it remained just a formality for a consent determination to be handed down. When a consent determination of Native Title is handed down by the Federal Court it is inevitable that memories come flooding back for those associated with the process.

The Western Yalanji #3 determination certainly brought the memories flooding back for myself. The most prominent of which, for me, were of friends with whom I had sat at the negotiation table and who were no longer with us.

I thought also how hard and fierce our ancestors had fought to keep our homeland and I imagined their wawu wawu (their spirits) were all around us nodding in agreement and congratulating us, knowing full well their fight was just and true. I thought of how little Native Title actually delivered to traditional owners. It is only the bare bones and there is so much more work to do to put meat on the bone i.e. real benefits to traditional owners.

I thought of parts of the preamble to the Native Title Act – "The people whose descendants are now known as Aboriginal peoples and Torres Strait Islanders were the inhabitants of Australia before European settlement. They have been progressively dispossessed of their lands. This dispossession occurred largely without compensation, and successive governments have failed to reach a lasting and equitable



agreement with Aboriginal peoples and Torres Strait Islanders concerning the use of their lands. As a consequence, Aboriginal peoples and Torres Strait Islanders have become, as a group, the most disadvantaged in Australian society. The Australian Government has enacted to protect the rights of all its citizens, and in particular its Indigenous peoples, by recognizing international standards for the protection of universal human rights and fundamental freedoms through:

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- (a) the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and other standard-setting instruments such as the International covenants on Economic, Social and Cultural Rights...”

I wondered how the parliament of Australia could suggest Native Title could be the instrument by which economic rights could be achieved when full or even shared control of natural resources, so essential to the establishment of economic bases in our homelands, is not addressed through the Native Title Act.

It sounds so hypocritical to me when governments have legislation in place that can extinguish one's Native Title at the stroke of a pen while having concern for the disadvantage created through our dispossession.

Still, although it is not the end of the road, neither is it the beginning. We have moved a little way down the track.



FEATURE

Economic development is welcome – but not at the expense of communal land title

Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner

During 2005, the Prime Minister, the Attorney-General, and the Minister for Immigration and Multicultural and Indigenous Affairs all made statements to the effect that the Australian government wanted to support Indigenous Australians to explore opportunities to lease or buy communal lands for private use. In May 2005, the Prime Minister announced that he wanted to make *'native title and communal land work better'* by adding *'opportunities for families and communities to build economic independence and wealth through use of their communal land assets.'*

It is the government's premise that if Indigenous people are encouraged into private ownership of communal lands they will be able to build economic independence and wealth, and in doing so alleviate poverty.

My *Native Title Report 2005* focuses on this land tenure debate, and in particular, on the National Indigenous Council's *Indigenous Land Tenure Principles*¹ that are the proposed

¹ The National Indigenous Council's Indigenous Land Tenure Principles

1. The principle of underlying communal interests in land is fundamental to Indigenous culture.
2. Traditional lands should also be preserved in ultimately inalienable form for the use and enjoyment of future generations.
3. These two principles should be enshrined in legislation, however, in such a form as to maximize the opportunity for individuals and families to acquire and exercise a personal interest in those lands, whether for the purposes of home ownership or business development.
 - An effective way of reconciling traditional and contemporary Indigenous interests in land – as well as the interests of both the group and the individual – is a mixed system of freehold and leasehold interests.
 - The underlying freehold interest in traditional land should be held in perpetuity according to traditional custom, and the individual should be entitled to a transferable leasehold

means to guide and implement the Australian government's land tenure proposal.

My report argues that while the intention to build economic independence amongst Indigenous peoples is welcomed and desirable, there are serious flaws in this approach.

The National Indigenous Council's principles are premised on the idea that private land ownership *will* lead to economic development because the land owners have an economic interest in seeing land value improved.

International experience demonstrates that individual title does not automatically, or by itself, lead to improved economic outcomes. The strategy of individual titling was prominent with the World Bank in the 1970s. The World Bank experienced difficulties in achieving outcomes under this approach. Individual titling attracted high costs and few benefits, and in Africa, where farming prospered, it appeared to do so within a framework of customary rights, kinship and social contracts.

The World Bank has since shifted its approach to economic development and formal land titling. Its current view is that the need for individual formal titling is dependant on the nature and availability of land itself. The World Bank acknowledges customary title as a means of facilitating economic development, and recently noted that 'subject to minimum conditions, [customary title] is generally more effective than premature attempts at establishing formalised structures.'

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4. Effective implementation of these principles requires that:
 - the consent of the traditional owners should not be unreasonably withheld for requests for individual leasehold interests for contemporary purposes;
 - involuntary measures should not be used except as a last resort and, in the event of any compulsory acquisition, strictly on the existing basis of just terms compensation and, preferably, of subsequent return of the affected land to the original owners on a leaseback system basis, as with many national parks.
 5. Governments should review and, as necessary, redesign their existing Aboriginal land rights policies and legislation to give effect to these principles.



Other international experience tells us that carving Indigenous land into private land parcels creates more problems than it solves. In past decades both the United States of America and New Zealand made attempts to convert Indigenous customary land to individual freehold title and leasehold title, and recently both countries have taken steps to overturn this approach due to adverse impacts. The major adverse impacts were:

- significant loss of land by Indigenous peoples
- complex succession problems – that is, who inherits these land titles upon the death of the owner – in relation to both freehold and leasehold interests
- creation of smaller and smaller blocks (partitioning) as the land is divided amongst each successive generation
- the constant tension between communal cultural values with the rights granted under individual titles.

Any strategy for Indigenous development needs to be created with the participation of Indigenous people. As there is no national or state level representative body for Indigenous Australians at present, governments need to negotiate with Indigenous communities and traditional owners on a community by community basis. If traditional owners express interest in enterprise development or wealth creation initiatives on their land, then strategies are required to ensure that there is adequate local training and resources so that traditional owners and community members can participate in this process with informed consent. In remote communities, training and development opportunities are scarce and in many cases training is not targeted to economic development agendas.

At this stage, the government's proposal seeks to improve economic development on Indigenous land with one strategy: giving Indigenous people greater access to capital to encourage private home and land ownership. While capital is an important aspect of economic development, there are other essential factors that are required to support economic development such as adequate infrastructure on land and relevant education and training for affected parties and community members generally. These are the foundations for economic development in any community, and they should be the cornerstones of government strategy. It is only with these preconditions that traditional owners can begin to participate in discussions about the potential

uses of their land for private leasing and other enterprise development options.

I also argue in my 2005 Report that it is currently possible for Indigenous people to take out individual leases in every state and territory under existing land rights regimes. My report sets out these options in every Australian jurisdiction. As a consequence, it is not necessary to put the communal tenure of Indigenous land at risk as the NIC principles propose. Furthermore, it would appear that individual title is not something to which Indigenous land owners aspire. Despite existing land leasing opportunities, private leasing and home ownership have not flourished on Indigenous land, except in some urban environments. This raises the question as to whether the government's strategy will have impact at all, even with changes to land rights legislation in states and territories.

If governments want to facilitate home ownership schemes in non urban environments, additional policy will be required to determine ownership and to define succession rights. Indigenous Business Australia's (IBA) Home Ownership Programme (HOP) does not currently apply on communally owned lands. The issue that the IBA has with communally owned lands is that they have difficulties in identifying the various parties to the loan agreement. While there is no available policy or research on the extent of the obstacles, the IBA are concerned to ensure certainty around what property rights are secured following the granting of a loan and security around the extent of ownership of the property – for both the buyer and the seller.

My Report also raises concerns as to whether the NIC *Indigenous Land Tenure Principles* comply with international human rights. My Report assesses the principles with consideration as to whether they:

- **pay sufficient regard to the full range of social, economic, cultural and political factors that impact on development outcomes in Indigenous communities**
- **empower Indigenous peoples by ensuring that they have the ability to participate effectively in decision-making that affects them**
- **provide sufficient regard to the right to an adequate standard of living and adequate housing.**

According to these measures, the NIC principles are not consistent with Australia's



obligations to ensure the civil, political, economic, social and cultural rights of its citizens. In the first instance, the National Indigenous Council is not a representative Indigenous body and it has not consulted with Indigenous peoples or communities. Human rights principles emphasise Indigenous participation in decision making, and the right to give 'free, prior and informed consent.'

NIC Principle 4 allows for compulsory acquisition of Indigenous land where it is deemed that traditional owners unreasonably withhold consent. The enforceable nature of this principle contravenes the right of Indigenous peoples to freely dispose of their land and wealth, and effectively withdraws their right to participate in decision-making. These rights are set out in the first Article of two important international human rights instruments: The International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights.

A key objective of the NIC principles is to increase Indigenous home ownership on communally owned lands. While the NIC principles may be intended to help alleviate the housing shortage in communities, it is unlikely that many people in remote areas will be able to support the financial obligations of home ownership. Therefore the state, territory and Australian governments have an ongoing commitment to provide housing and infrastructure to remote communities.

The right to adequate housing is contained in a number of international human rights instruments including: the Universal Declaration of Human Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Racial Discrimination.

While the NIC principles are directed to land rights regimes, it is important to raise the limitations of individual leasehold and home ownership schemes on **native title land**. If these economic development strategies are to be directed to native title land, then governments need to consider policy to overcome the limitations of the native title regime, which include:

- the nature of native title as a bundle of rights with negligible or no entitlement

to mineral and other assets of land and sea

- the rules that regulate future development affecting native title rights
- inadequate funding for Indigenous bodies in the native title system.

Leases for community living can be issued by government on land under native title if a Prescribed Bodies Corporate (PBC) agrees through an Indigenous Land Use Agreement (ILUA). Agreements can cover a range of matters including financial payments for resource rent. A PBC can also accept a grant of freehold or leasehold interest in land in exchange for surrender of native title rights through an ILUA with government. In these instances, the titles could be used as security for mortgages. Therefore, there are instances in which the land tenure initiative could be extended to include land under native title.

There are significant reasons to reject individual titling as a wealth creation approach. My Report argues that the *Indigenous Land Tenure Principles* do not consider the factors in Australia that impede opportunities for economic development on Indigenous land. They include:

- Australian governments have not consulted with Indigenous Australians about the proposed changes to land tenure, nor their aspirations for their land
- international research demonstrates that converting Indigenous lands under communal title to freehold or leasehold title does not lead to improved outcomes for Indigenous peoples, economic or otherwise
- the content of National Indigenous Council's *Indigenous Land Tenure Principles* and the process for their development contravene international human rights standards and obligations
- in the majority of instances, Indigenous land is marginal, arid desert or geographically isolated, and there is limited potential for economic development
- in remote regions the land lacks the most basic infrastructure to support development projects
- there are limited housing markets on Indigenous lands, and in remote locations the market potential is negligible - in these instances, private home ownership is not a wealth creation strategy

- many Indigenous people in remote communities lack access to employment and the means by which to repay mortgages or other debts to land
- to date, there has been a lack of government policy to support economic development initiatives on Indigenous land
- native title law allows very few rights to land development and land assets
- the entities with responsibility to progress native title interests to land,² have either no funding, or insecure funding
- individual land leasing options already exist in land rights regimes across Australia and these options have not been exercised by traditional owners outside of urban areas to date.

In its current configuration, the Australian government's land tenure strategy lacks specific elements that are required for any success in its implementation in a practical sense. In addition, the processes for developing this strategy and aspects of its proposed application, contravene human rights. For traditional owners, the proposed *Indigenous Land Tenure Principles* may represent a foreign and Western view of wealth creation which may be at odds with traditional views of communal ownership and communal tenure. It is essential the traditional owners are consulted in any scheme that involves their land. I am well aware of the tensions that can be created in communities with a mix of traditional owners and historical peoples on land. Attempting to formalise living arrangements in already tense living situations may exacerbate social problems that could impact on entire communities.

The *Native Title Report 2005* advocates the requirement for government and other parties to obtain the free, prior and informed consent of traditional land owners before any amendments are made to legislation or policy affecting Indigenous interests to land. My Report also provides a range of recommendations to support economic development on Indigenous land in a way which empowers and promotes the engagement of Indigenous people in the process. I argue that if Indigenous groups consent to leasing options, home ownership options may be supported through:

- extending the Home Ownership Programme administered by

Indigenous Business Australia to offer affordable home loans over Indigenous communal lands

- establishing a 'good renters programme' for tenants in community housing on communal lands to accumulate equity through regular rent payments.

These initiatives need to be developed in genuine partnership with Indigenous land holders and must take account of the socioeconomic factors particular to communities on communal lands, including: annual incomes, existing infrastructure, building and maintenance costs, low land value, skill bases, health and life expectancy levels to prevent inter-generational debt. These new initiatives must receive additional funding that is not drawn from existing Indigenous housing programs such as the Commonwealth Community Housing Infrastructure Program and Aboriginal Renting Housing Program.

Ultimately, in order to comply with human rights standards, no state, territory or Commonwealth legislation affecting the rights and interests of Aboriginal and Torres Strait Islander peoples in land should be amended without traditional Aboriginal or Torres Strait Islander owners in the relevant jurisdiction first understanding the nature and purpose of any amendments and giving their consent to legislative change.

The *Native Title Report 2005* can be accessed at http://www.hreoc.gov.au/social_justice/ntreport05/ch0.html and I welcome any feedback on this important issue.

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² Prescribed Bodies Corporate



WHAT'S NEW

Legislation

[Native Title \(Indigenous Land Use Agreements\) Amendment Regulations 2006 \(No. 1\)](#)

These regulations amend the Native Title (Indigenous Land Use Agreements) Regulations 1999 by prescribing the form for objecting to an alternative procedure agreement and inserting definitions of the different types of Indigenous Land Use Agreements dealt with in those regulations. Available at:

<http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/all/search/A69BD2CB82F9BF6CA257133000FEFD4>

Recent Cases: Australia

[Riley v State of Queensland \[2006\] FCA 72 \(Western Yalanji determination\)](#)

Federal Court consent determination recognising the Western Yalanji People's non-exclusive native title rights over a pastoral property in far North Queensland. Available at:

http://www.austlii.edu.au/au/cases/cth/federal_ct/2006/72.html

[Turrbal People v State of Queensland \(with Corrigendum dated 10 March 2006\) \[2006\] FCA 187 \(2 March 2006\)](#)

Available at:

http://www.austlii.edu.au/au/cases/cth/federal_ct/2006/187.html

[Daniel v State of Western Australia \[2006\] FCA 271 \(21 March 2006\)](#)

Available at:

http://www.austlii.edu.au/au/cases/cth/federal_ct/2006/271.html

[Manas v State of Queensland \[2006\] FCA 413 \(On behalf of the Mualgal People\)](#)

Available at:

http://www.austlii.edu.au/au/cases/cth/federal_ct/2006/413.html

[Nona and Manas v State of Queensland \[2006\] FCA 412 \(13 April 2006\)](#)

Available at:

http://www.austlii.edu.au/au/cases/cth/federal_ct/2006/412.html

[Rubibi Community v State of Western Australia \(No 6\)\(includes Corrigendum dated 15 February 2006\) \[2006\] FCA 82 \(13 February 2006\)](#) Determination native title exists.

Available at:

http://www.austlii.edu.au/au/cases/cth/federal_ct/2006/82.html



Now reported in the Federal Court Reports

Fisher and Ors v Queensland and Another (2005) 192 FLR 9; [2005] NNTTA 33

Jack Billy on behalf of the Poruma People v Queensland and Ors (2005) 223 ALR 447
Consent determination.

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Publications

Aboriginal Studies Press: forthcoming publications

Compromised Jurisprudence: Native title cases since Mabo
Lisa Strelein

Practitioners, scholars, teachers and students would be well advised to add this volume to their collection. David Ritter

Compromised Jurisprudence traces the development of the courts' thinking from the original decision in *Mabo v Queensland [No.2]* through to the significant High Court decisions in 2001 in *Western Australia v Ward* and *Yorta Yorta*, and the subsequent implementation of those cases by the Federal Court in cases such as *De Rose*. Each chapter contains a discrete analysis of the most significant cases. A timeline maps the trajectory of the key doctrines and the book's conclusion identifies the underlying themes and contradictions.

230x152mm, 288pp, pb, ISBN 0 85575 533 4, \$39.95 RRP

Rob Riley: An Aboriginal leader's quest for justice
Quentin Beresford

The life portrayed in these pages will above all else challenge our capacity to look into this blighted page of our history and deal with and understand the nature of our national racist cancer. Patrick Dodson, Broome.

I cannot think of a finer introduction to Aboriginal politics in the contemporary era. I urge all Australian citizens who care about reconciliation to read it. Professor Robert Manne

Widely regarded as one of the great Aboriginal leaders of the modern era, Rob Riley was at the centre of debates that polarised views on race relations in Australia: national land rights, the treaty, deaths in custody, self-determination,

the justice system, native title and the Stolen Generations. Set against the tumultuous background of racial politics in an unreconciled nation, the book explores Rob's life as a 'moral protester' and the challenges he confronted in trying to change the destiny of the nation.

230x152mm, 392pp, pb, b/w illus, ISBN 0 85575 502 4, \$39.95 RRP

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Online Publications

AIATSIS

Land, Rights, Laws: Issues of Native Title Volume 3, No.5

['Balancing the scales of Indigenous land justice in Victoria 2006'](#) by Dr Wayne Atkinson. Now available for download at:

<http://ntru.aiatsis.gov.au/ntpapers/ip05v3.pdf>

Hard copies of NTRU issues papers are also available. If you would like us to post you a copy please contact ntru@aiatsis.gov.au.

Research Discussion Paper No.17 2006

['Indigenous Governance: The Harvard Project on Native American Economic Development and appropriate principles of governance for Aboriginal Australia'](#) by Patrick Sullivan. Now available for download from the AIATSIS website:

http://www.aiatsis.gov.au/data/assets/pdf_file/5358/DP-17.pdf.

CAEPR

Discussion Paper 279

['Indigenous Australian entrepreneurs: Not all community organisations, not all in the outback'](#) by D. Foley. Now available for purchase or free download in PDF format. Available at: http://www.anu.edu.au/caepr/Publications/DP/2006_DP279.pdf.

Discussion Paper 280

['Being a good senior manager in Indigenous community governance: Working with public purpose and private benefit'](#) by W. Sanders. Now available for purchase or free download in PDF format. Available at: http://www.anu.edu.au/caepr/Publications/DP/2006_DP280.pdf.

Discussion Paper 281

['Kids, skidoos and caribou: The Junior Canadian Ranger program as a model for re-engaging Indigenous Australian youth in remote areas'](#) by R.G. Schwab. Now available for purchase or free download in PDF format.



Available at:
http://www.anu.edu.au/caepr/Publications/DP/2006_DP281.pdf.

Discussion Paper 282

'Views from the top of the "quiet revolution": Secretarial perspectives on new arrangements in Indigenous affairs' by W. Gray and W.G. Sanders. Now available for purchase or free download in PDF format. Available at: http://www.anu.edu.au/caepr/Publications/DP/2006_DP282.pdf.

A streaming audio recording from the seminar is now available for listening on this website at: <http://www.anu.edu.au/caepr/topical.php#Sec06>

The Centre's current research and strategic vision are detailed in the CAEPR Strategic Plan 2006-2008 and the CAEPR Research Plan 2006-2008, now available online. Available at: <http://www.anu.edu.au/caepr/info.php#research>

- [CAEPR Strategic Plan 2006-2008](#) (2.7MB PDF document).
- [CAEPR Research Plan 2006-2008](#) (121 KB PDF document).

Government Publications

Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Account [Report on the operation of Native Title Representative Bodies](#) Available at: http://www.aph.gov.au/senate/committee/ntlf_cte/rep_bodies/index.htm.

Great Southern Land: The maritime exploration of Terra Australis by Michael Pearson, The Australian Government, Department of the Environment and Heritage, 2005. Available at: <http://www.deh.gov.au/heritage/publications/great-southern-land.html> *Great Southern Land: The maritime exploration of Terra Australis* was originally written to provide a context for the Australian Heritage Council's assessment of coastal heritage sites. It is published as part of the Australian Government's celebration of the 400th anniversary of Willem Jansz's historic journey in the Duyfken. A printed copy can be ordered from the previous DEH page.

National Native Title Tribunal

Speech by the Tribunal's President Graeme Neate: '[Looking in a mirror dimly: Native title and broader Indigenous policy](#)' presented at a meeting of the National Indigenous Council (NIC) in Canberra in February 2006. Available

at: <http://www.nntt.gov.au/metacard/speeches.html>

Library Bulletin March 2006

For the latest bulletin of materials recently received in the Tribunal Libraries go to: <http://www.nntt.gov.au/library/index.html>

Workshop presentation papers for the **National Indigenous Fishing Technical Working Group** (NIFTWG) meeting, held in Fremantle, February 2006, are available on the NNTT website at:

http://www.nntt.gov.au/publications/NIFTWG06_Info.html.

[Talking Native Title March 2006](#) go to: http://www.nntt.gov.au/metacard/files/TNT18/NT_Issue_18_2006_Web.pdf

[Talking Western Australia](#) March 2006

In this issue:

- Future act activity increasing - the WA Registry is managing an increasing number of future act mediations for mining and exploration applications from around the state.
- Goldfields mediation progressing - the progress of the North West Goldfields cluster of claims has taken a positive turn, with mediation progressing and trial dates vacated following the resolution of overlap issues.
- Kimberley gets interim judgment - native title parties involved in the Rubibi application, covering land near Broome, have received an interim judgment which clarifies issues to do with the claim group.
- Other regions - two ILUAs have been registered following on from the Ngaanyatjarra Lands determination.
- Contacts in the WA Registry - find out who to contact for your region or area of interest.

<http://www.nntt.gov.au/publications/talkingwa1.html>

[Talking South Australia](#) March 2006

In this issue:

- Native title trials and Tribunal mediation - the Federal Court will start hearing evidence in the Yankunytjatjara/Antakirinja claim in August this year while the Kokatha overlap trial has been listed to be heard next year. Find out what mediation work the Tribunal is involved in ahead of these court dates.
- ILUA negotiations - find out where the Tribunal is involved in assisting the Statewide ILUA process as well as



mediating overlap issues to allow for pastoral ILUA negotiations. Updates are provided for Far West Coast, Gawler Ranges and the First Peoples of the River Murray.

- New claims and determinations - the South Australian office has received a new application for native title from the Kuyani-Wilyaru people. Find out what happened with the De Rose Hill determination when an application for leave to appeal was taken to the High Court.

<http://www.nntt.gov.au/publications/talkingsa.html>

Talking Victoria March 2006

In this issue:

- Guditjmarra make quantum leap - negotiations for a potential settlement of the Guditjmarra native title application have made big progress with agreement in principle reached in several areas of negotiation.
- Expert appointed for Gunai/Kurnai and Kurnai - the Federal Court has appointed an expert anthropologist to prepare a written report on intra-Indigenous issues affecting the progress of this application.
- Native Title Forums - manager of the Department of Justice's native title unit Graeme Aitken launched the first forum for 2006 at the Tribunal's Melbourne office on 22 March.
- Who is who in the Victorian Registry - find out who is working in the Victorian Registry of the Tribunal- both staff and members.

<http://www.nntt.gov.au/publications/talkingvic1.html>

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Upcoming Events

Conferences

[Native Title Conference 2006](#)

Tradition & Change, Culture & Commerce
24-26 May 2006

For information about the conference go to: <http://ntru.aiatsis.gov.au/events/conference2006.html>. To book accommodation at the Holiday Inn in Darwin please call Ms Allison Burns on 08 8901 0704.

Registrations close May 18

The activity around this year's Native Title Conference has created another exciting and important program of events. This year the

conference is co-convened by AIATSIS and the Northern Land Council, and hosted by the Larrakia people, traditional owners of the Darwin region, under the auspices of the Larrakia Nation. The conference formally begins on the Wednesday evening with a Welcome Ceremony hosted by Larrakia elders, and includes performances by Alison Mills and the Kenbi Dancers. The following morning, the Mabo lecture will be delivered by Galarrwuy Yunupingu, leader of the Gumatj clan. John Basten, Patrick Dodson, Marcia Langton, and Philip Ruddock are our keynote speakers, presenting in morning plenary sessions on Thursday and Friday. After the keynotes the conference breaks into streams on current issues in native title law and practice, including the nature of proof, trial and mediation practice, compensation, taxation, PBCs, sea and water rights, and the native title amendments. The conference concludes on the Friday night with the conference dinner.

The themes of the conference – tradition and change, culture and commerce – are reflected in the conference program with a panel discussion on the Yulara decision, a breakout session on land justice in Victoria, and several sessions focused on creating opportunities for economic development. The conference will also be a highlight of the Northern Land Council's program of events celebrating 30 years of land rights in the Northern Territory. The program includes presentations on the current amendments to the Northern Territory Land Rights Act, and films and discussion about the history of land rights.

Before the Welcome Ceremony, Native Title Representative Body delegates have been invited to participate in pre-conference workshops held all day on the Wednesday. These workshops are for NTRB delegates only and will cater for the various areas of interest and expertise within NTRBs.

The Native Title Conference is now in its seventh year having been previously held in Coffs Harbour, Melbourne, Townsville, Geraldton, Alice Springs and Adelaide. Each conference has been strongly supported by staff and council of the native title representative bodies, native title claimants and holders, their legal counsel, native title practitioners such as anthropologists, government institutions and departments, politicians, judges, academics and others. Last year's conference attracted close to 500 delegates. If you would like to join us in Darwin, please go to our website for further information:



<http://ntru.aiatsis.gov.au/events/conference2006.html> The conference public program and the NTRB program are **now available** for downloading.

Land, Memory, Reconstruction and Justice: Perspectives on Land Restitution in South Africa 13-15 September 2006

Houw Hoek Inn (Cape Town, South Africa)

Indigenous Researchers Forum (IRF)
25 - 27 September 2006

Adelaide, South Australia

- [Registration Form](#)
- [Preliminary Program Schedule](#)

For further information, please contact Leanne Smith. Telephone: 08 8302 6784. Facsimile: 08 8302 7034. Email:

leanne.smith@unisa.edu.au

Native Title Colloquium 26 September 2006

Two 1/2 day workshops will be held before AAS Annual Conference (see below) at the JCU Cairns Campus, with one following the other. People interested in participating should contact Craig Jones directly via phone 0429441010 or email: craig.jones@jcu.edu.au.

Workshops include:

Connection Reports and Native Title

The workshop will be a facilitated discussion around the production and use of connection reports in the native title process. Participants will include anthropologists, native title representative body staff, lawyers and state officials. In the past there has been much debate around the style and content of the connection reports. The workshops draw on practical experience from all sides of the debate.

What Future for Native Title and Anthropology?

Much of the current policy debate surrounding Indigenous peoples focuses on economic, health and education issues. Where will native title be in 10 years time and what role does native title have to play, if any, in Indigenous development? This workshop offers an opportunity to be forward looking, perhaps even aspirational, in the current reactionary environment. What role is there for anthropologists in this future and can anthropologists play a role in shaping the changes that will occur?

AAS Annual Conference 2006 Beyond Science and Art: Anthropology and the Unification of Knowledge 27-30 September

2006 James Cook University, Queensland, Australia. Go to:

http://www.aas.asn.au/Conference/AAS%20Conference%202006/aas_annual_conference_2006.php

Seminar Series

AIATSIS Seminar Series, Semester 1, 2006

Through their eyes: Helping people see what they want to see. Images of self and others, and looking to the future.

Mondays 12.30-2.00pm, unless otherwise noted, in the Mabo Room, AIATSIS. If you wish to receive email notification of seminars email: research@aiatsis.gov.au.

CAEPR Seminar Series 1, 2006

From 15 March to 31 May. Presenters engage research topics in Indigenous Affairs from a variety of disciplinary perspectives. Includes seminars on the new direction in Federal Indigenous policy, and Indigenous people and mobility. Wednesdays 12.30 to 2.00pm, unless otherwise noted in the CAEPR Seminar Room GO58, Ground Floor, Hanna Neumann Bldg #21, ANU.

Go to: <http://www.anu.edu.au/caepr/sem1> for details. If you wish to receive email notification of CAEPR seminar series, go to: <http://mailman.anu.edu.au/mailman/listinfo/caepr.seminars>

ANU Anthropology Seminar Series First Semester 2006

Wednesdays at 9:30am in Coombs Seminar Room A, ANU. An abstract will be circulated in the week preceding the seminar. If you are interested please contact the convener Phillip Winn at: phillip.winn@anu.edu.au

Recent Events

Strangers on the Shore: A Conference on Early Coastal Contacts with Australia

National Museum of Australia in Canberra March 30 & 31, 2006.

Go to: <http://www.strangersontheshore.com.au/>

ANU Toyota Public Lecture Series 2006 **'The Mabo Case: Its Significance for Australia and the World'** by Emeritus Professor Peter Russell, University of Toronto, Thursday 16 March 2006. Available at:

http://info.anu.edu.au/Discover_ANU/News_and_Events/Public_Lectures/Peter_Russell.asp.

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Opportunities

FIRST CALL FOR PAPERS ACSPRI Social Science Methodology Conference 2006

Venue: The University of Sydney, Sydney, Australia

Dates: 10-13 December 2006

The Australian Consortium for Social and Political Research, Inc. (ACSPRI) will host a conference in December, 2006 in order to provide a national forum focusing on current issues in social science methodology. Plenary presentations will be given by: Professor Merrill Shanks, University of California, Berkeley. Professor Michael Greenacre, Universitat Pompeu Fabra, Barcelona, Spain.

For information and conference updates visit
www.conference2006.acspri.org.au
<<http://www.conference2006.acspri.org.au/>>

Ngā Pae o te Māramatanga are hosting its second international Indigenous conference titled: **"MATAURANGA TAKETAKE: TRADITIONAL KNOWLEDGE - Indicators of Well-being: Perspectives, Practices, Solutions"** at Te Papa in Wellington from 14-17th June 2006.

For further information on the conference please visit our website:
www.traditionalknowledge.co.nz

The University of Queensland Indigenous Studies Award

The Australian Studies Centre at the University of Queensland, in collaboration with the University's Aboriginal and Torres Strait Islander Studies Unit, is calling for applications for a new short-term fellowship scheme, The University of Queensland Indigenous Studies Award (\$25,000).

The award is tenurable for 3-6 months and can be taken up in the second half of 2006 or the first half of 2007. Full details are available on the Australian Studies Centre website at:

www.asc.uq.edu.au
<<http://www.asc.uq.edu.au/>>

Application closing date has been extended to Friday 12 May 2006.

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Employment

Indigenous Education Research Opportunity

The Australian Council for Educational Research (ACER) is seeking to provide an opportunity for an Indigenous person (VCAT Reference A72/2006) to contribute to ACER's Indigenous education research program and to develop skills as a researcher.

For further information call (03) 9277 5577. Applications, including contact details of three referees, should be forwarded to hr@acer.edu.au or Suzanne Coyle, HR Manager, ACER, Private Bag 55, Camberwell, Victoria, 3124, or faxed to (03) 9277 5500.

Applications close on Friday 26 May 2006

Cape York Institute

Staffing in near future (next 2-3 months):

We are beginning recruiting for the Deputy Director role: The Deputy Director is accountable, through the Director to the Board, for the successful operations of CYI. This is an opportunity to play a critical role in addressing the social and economic development needs of Cape York, and in building one of the most innovative and influential public policy organisations in Australia. In conjunction with Balkanu and Cape York Partnerships, we are also looking to hire 20 people to work on a Welfare Reform Project to redesign welfare payments and accelerate community renewal in four remote communities in Cape York. This project aims to work with government and communities to create a "New Deal" on Welfare for these remote communities. It is a bold effort to address some of the first causes of passivity in Cape York, as a fundamental element of Indigenous disadvantage. As well as restructuring income support payments to provide more incentive towards work, study and family responsibilities, the project aims to secure government investment in infrastructure, capabilities (such as health, education, mobility), and the enabling structures required to make change stick (such as Income Management and Justice Groups). The project also seeks to work with the four communities to develop their social norms, a community vision and ways of addressing dysfunctional behaviour.

The available roles fall under a number of categories:

- Welfare Reform Project Manager (1 Position): Lead and manage delivery of project. Organise and develop a robust, detailed proposal for a "New Deal" on welfare with community and



government support for implementation.

- Design Stream (8 Positions): Detailed design work to restructure 5 welfare payment streams. Detailed work to develop investment requirements in infrastructure, capabilities and enabling structures. Based in Cairns

- Community Engagement Stream (9 Positions): Work with community members and leaders in developing a community vision, including community views in design, educating and informing communities around the project, and assisting community development and governance. These roles are based in remote communities of Hopevale, Aurukun, Coen and Mossman Gorge.

- Admin and Media Support (2 Positions): Admin and media support for the project. Based in Cairns

Formal position descriptions will be available on the CYI website shortly. <http://www.cyi.org.au>

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NATIVE TITLE IN THE NEWS

National

01-Mar-06 **Iron ore mining to resume on Koolan Island** Mark McGowan the West Australian Environment minister has allowed Aztec Resources to resume mining on Koolan Island. However there are "strict conditions" and consultations with the Dambimangari Native Title Claimants to ensure that "Indigenous and other environmental values" are protected. Mining Chronicle, March 2006, pg 14. Claimant Application: Dambimangari - Tribunal File Number: WC99/7; Federal Court File Number: WAD6061/98.

1-Mar-06 Concerns ILUAs over Adjahdura Land are being negotiated by non-traditional owners

Objections have been raised by the traditional owners of Adjahdura land to an ILUA that has been negotiated with non traditional owners. Even though some traditional owners have been on the negotiating committees they were given little control and "used like pawns". The ILUA "offers very little" but has been registered with the NNTT despite protest. The traditional owners have officially stated that they "do not recognise the Narungga local government ILUA as being law on this country". Koori Mail, 1-Mar-

06, pg 23. Narungga Local Government: SI2003/004.

09-Mar-06 **Henry Reynolds defends terra nullius** Historian Henry Reynolds has defended *terra nullius* and "maintains that British settlers never recognised the property rights of Aborigines". He questioned Michael Connors recent book saying that he "was trying to force together history and land and did not understand the High Court had based its Mabo decision on precedent using his book as "background". Australian, 9-Mar-06, pg 8.

15-Mar-06 **Hearings for Goldfields claims replaced with mediation** Hearings in the Federal Court for the North West Cluster of native title claims have been cancelled with litigants opting for out-of-court settlements instead. Brian Wyatt the executive director of the Goldfields Land and Sea Council said that the claimants "should be congratulated on their willingness to cooperate" and showing a preference for negotiations. However he also commented on the resistance of the state to negotiations. He said that "every step of the way the State government appears hell bent on diminishing Goldfields Aboriginal People's rights" which is an "irresponsible drain on taxpayers who fund the State's court actions". Negotiations on consent determinations will start early 2007. Koori Mail, 15-Mar-06, pg 16.

15-Mar-06 **North West Nations Clans Aboriginal Corporation claims proposed Victorian Bill is 'genocidal'** The North West Nations Clans Aboriginal Corporation has claimed that the Victorian government's proposed Victorian Aboriginal Cultural Heritage Bill as "genocidal in intent and purpose". Spokesman Elder Robert Nicholls said that the bill "'disappeared' all traditional owner groups in name and country". He also said that "all developers and land proponents should deal directly with traditional owners" without "interference of Aboriginal Affairs Victoria's mission managers". Koori Mail, 15-Mar-06, pg 15.

17-Mar-06 **Xstrata places pressure on the NT government to reverse decision** Xstrata has placed pressure on the NT government to reverse its decision to reject the mining conversion plan. The government is "divided" over whether to approve the plan "which is strongly opposed by environmentalists and some Aboriginal groups but backed by local businesses". X-strata has reiterated that "hundreds of jobs would be lost" if the application was rejected. Age, 13-Mar-06, pg 6;



Sydney Morning Herald, 13-Mar-06, pg 5;
Northern Territory News 20-Mar-06, pg 4;
Australian, 17-Mar-06, pg 7.

21-Mar-06 **Development on Aboriginal land will provide opportunities for traditional owners on NSW South Coast** An agreement between LV Living and the Eden Local Aboriginal Lands Council to build a retirement village on Aboriginal owned land will provide "job opportunities and a superannuation fund". David Brown the LV Living chairman said that the "land councils would receive long-term income and the deal was an important step in their economic growth". LV Living will have the right to mortgage the property but the community's title to the land would not be diminished. Australian, 21-Mar-06, pg 3.

29-Mar-06 **Native title negotiations lead to positive results for Western Yalanji people** The Western Yalanji people have succeeded in reaching agreements recognising their rights over pastoral property. The Federal Court's Western (Sunset) Yalanji determination recognised their "non-exclusive native title rights over part of Karma Waters station" and more recently, a further 200 sq km on the same property. The native rights were agreed upon through mediation proceedings with the Queensland Government and other interested parties which lead to four ILUAs. This shows that "it's possible to resolve native title and reach an outcome that everyone is satisfied with and that takes all parties rights and interests into account". Koori Mail, 29-Mar-06, pg 44. **Western Yalanji Peoples** - Tribunal File Number: QC95/10; Federal Court File Number: QUD6002/96.

17-Apr-06 **Hindmarsh Island Bridge Controversy continues with new plans to build homes** The developers involved in the Hindmarsh Island Bridge controversy have brought an area of land at Port Wakefield and plan to build houses and a marina on a culturally sensitive site. Yorke Peninsula Aboriginal leader Quenten Agius of the Adjahdura people said that the area was "significant...for the traditional owners of the Adjahdura land and the Kurna people". He "called on state Aboriginal Affairs Minister Jay Weatherill to 'do the right thing and respect the traditional owners' wishes on the matter". Australian, 17-Apr-06, pg 4. **Kurna Peoples Native Title Claim** - Tribunal File Number: SC00/1, Federal Court File Number: SAD6001/00.

20-Apr-06 **Oxiana still negotiating over Prominent Hill Area** Oxiana is set to make its investment decision on the proposed "development of the Prominent Hill gold and copper mine in South Australia" after negotiations to finalise a native title mining agreement is complete. Australian Financial review, 20-Apr-06, pg 20.

21-Apr-06 **Justice Ron Merkel to leave bench** Justice Ron Merkel will step down from the Federal Court and return to private practice taking "public interest cases for Aboriginal and homeless people". His last judgement will be the Rubibi native title claim over Broome in WA which has been a "vexed and controversial" claim. Australian Financial Review, 21-Apr-06, pg 53. Application: **Rubibi** - Tribunal File Number: WC99/23, Federal Court Number: WAD6006/98 Determination: **Rubibi # 6** - Tribunal File Number: WC95/28; Federal Court File Number: WAD91/98. The Rubibi litigated determination was handed down on the 7th November 2001.

ACT

19-Mar-06 **Aboriginal Corporations oppose government regulation** Aboriginal corporations have resisted the government's Corporations (Aboriginal and Torres Strait Islander) Bill 2005 aimed to "bring indigenous corporations in line with others under the...Corporations Act". However, Goldfield's director Brian Wyatt has said that the "Corporations Act was aimed at profit making ventures" while Aboriginal corporations were created to provide services that where the Government has been "'incapable or unwilling' to do so". He said that the proposed legislation was inappropriate and "can only be regarded as punitive and oppressive". Sunday Canberra Times, 19-Mar-06, pg 8.

24-Mar-06 **Tribunal rules native document should be released under FOI regardless of resource constraints** Michael Peedom the president of the ACT Administrative Appeals Tribunal has granted the request of Nggunawal member Eva Coe to release 143 files relating to native title. However the Community Affairs Subdivision has claimed that to comply with the ruling it "would require 14 senior officers...6 support staff" and "144 days". The tribunal "acknowledged that processing the request would consume much time and resources" but held that those factors were "irrelevant". Canberra Times, 24-Mar-06, pg 5.

25-Mar-06 **Need for a more accountable and representative Indigenous body** Bob



McMullan former Shadow Minister for Indigenous Affairs has said that ATSIC was "flawed from the start". He suggested an Indigenous elected chairperson, National Indigenous Council, sub committees and a consultative forum which involved native title rep bodies. Labor's spokesman for Indigenous Affairs Chris Evans agreed saying that "we put too much faith in the capacity of the rights agenda to contribute to overcoming entrenched indigenous disadvantage". He also said that "indigenous representation is central to developing approaches that will overcome indigenous disadvantage". Canberra Times, 25-Mar-06. pg 16.

New South Wales

23-Feb-06 **Local residents fear that a pending native title determination is causing violence** Local residents have raised concerns over violence in Bessie Point. One couple noted that they "had been told countless times by aggressive and usually drunk Aboriginal people to 'get off their land'". They believe that the violence is linked to a pending native title determination granting the Giangurra (Bessie Point) Beach area to Mandingalbay Yidinji people. National Indigenous Times, 23-Feb-06, pg 13. Application: Mandingalbay Yidinji People #2 - Tribunal File Number: QC00/8; Federal Court Number: QUD6007/00.

23-Feb-06 **Kimberly Land Council** The Kimberly Land Council is seeking compensation for areas around Broome where native title has been extinguished. Even though the Federal Court had ruled in favour of the Yawuru people "native title may have been extinguished in areas where the rights to land use have been handed over to other parties by the State government". National Indigenous Times, 23-Feb-06, pg 14. Application: Walman Yawuru - Tribunal File Number: WC04/9; Federal Court File Number: WAD285/04. Determination: Rubibi # 6 -Tribunal File Number: WC95/28; Federal Court File Number: WAD91/98. The Rubibi litigated determination was handed down on the 7th November 2001.

23-Feb-06 **NIC's land leasing scheme in breach of human rights** Tom Calma, the Social Justice Commissioner for Human Rights has criticised the National Indigenous Council's recommendations for a land leasing scheme as a "breach of international human rights standards and obligations". The recommendations included an option to "compulsorily acquire Indigenous land where consent to leases is 'unreasonably' withheld".

Mr Calma questioned the relevance and effectiveness of the proposal which was designed by ALP leader Warren Mundine. National Indigenous Times, 23-Feb-06, pg 11; Koori Mail, 15-Mar-06, pg 14. See *article this newsletter, page 4*.

15-Mar-06 **Native Title Claims over County of Finch fall over** Native title claims over the County of Finch have ended after the claimant withdrew the claim. The claim has failed due to disagreement between claimants and a lack of funding. Landholders in County of Finch now operate "as though native title had been extinguished". Black Opal Advocate, 15-Mar-06, pg 5.

29-Mar-06 **ILUAs offer development opportunities** Euahlay-elder Alan Hall has said that ILUAs "offer local Aboriginal people more job opportunities than they would ever get from Native title claims". He was commenting in relation to a withdrawal of claims covering the Western Lands Leases across Finch County. Black Opal, 29-Mar-06, pg 5.

29-Mar-06 **Lack of certainty of custodians delays negotiations of MOU** The Tumbarumba Shire Council has asked to delay negotiations of a MOU saying that it "would be wrong to rush off and negotiate with elders of the Wiradjuri nation". It said that the Aboriginal heritage in the area comes "from far and wide" and that it needed to locate "the appropriate people to talk to". Tumbarumba Times, 29-Mar-06, pg 5.

30-Mar-06 **Mining Industry fails to show up for meeting** Mining industry representatives failed to attend a meeting with Aboriginal Communities. The Yarrawalk and Wanaruah Aboriginal Corporations were meant to discuss draft documents relating to a "Regional Partnership Approach" with major mining groups. Rio Tinto had previously withdrawn from the program sparking "uproar". Scott Franks the Yarrawalk Aboriginal Corporations CEO said the meeting was a "waste of time" and that "Coal and Allied have this week pulled an Aboriginal person off the street and given him a job and they think those actions will be perceived as fulfilling their obligations of enhancing relationships". Muswellbrook Chronicle, 24-Mar-06, pg 5.

01-Apr-06 **Electronic case management of Aboriginal Land Council dispute** Recent changes to procedural rules have allowed electronic case management until the matter requires oral evidence. Justice Ian Gzell will



conduct pre-trial proceedings for a dispute between the Koombahtoo Local Aboriginal Land Council and KLAC Property and Investment. While this can lead to eliminating barrister's fees it is limited to matters that are "fairly straightforward" and can be "held in the absence of the public". Sydney Morning Herald, 1-Apr-06, pg 10.

05-Apr-06 **Barrick Gold continues with development despite claims that they negotiated with the wrong native title group** Barrick Gold, the company behind the Cowal Gold Mine has defended the "controversial development" despite claims that they negotiated with the wrong Aboriginal group. There has been contention over whether the Wiradjuri Condobolin Native Title Claim Group or the Mooka and Kalara United Family Group are the rightful native title holders. Al Oshlack from the Indigenous Justice Advocacy Network said that the organisation would initiate common law action on behalf of the Mooka and Kalara United Family Groups. He noted that "Barrack went ahead with the... proposal before a Federal Court ruling on who holds native title on the land". Daily Advertiser, 5-Apr-06, pg 3; Daily Advertiser, 7-Apr-06, pg 6; West Wyalong Advocate, 7-Apr-06, pg 7; Koori Mail, 12-Apr-06, pg 9. **Mooka and Kalara United Families Claim (Mooka #2)** - Tribunal File Number: NC02/4, Federal Court File Number: NSD6001/02. **Mooka & Kalara United Families Claim (Mooka #3)** - Tribunal File Number: NC02/8, Federal Court Number: NSD6009/02.

06-Apr-06 **Trust deed over Gippsland will be signed between the Gunai/Kurnai people and State Trustees** The Gunai/Kurnai people have been negotiating agreements in relation to land in Gippsland Victoria and will be "closer to safeguarding the future of their people" by signing a trust deed with State Trustees. The deed establishes the Gunai/Kurnai Foundation which will provide financial assistance in order to promote education, art and culture, address disadvantage as well ensure the protection of land. The State Trustee will provide administrative support to the Gunai/Kurnai Instructing committee which will administer funds according to applications made by descendants of the group. National Indigenous Times, 6-Apr-06, pg 8; Bairnsdale Advertiser, 7-Apr-06, pg 7. **Gunai/Kurnai/Boonerwung** - Tribunal File Number: VC97/2, Federal Court File Number: VID6005/98; **Gunai/Kurnai People** - Tribunal File Number: VC97/4, Federal Court File Number: VID6007/98.

10-Apr-06 **Coal & Allied accused of acting like "mission managers"** The Coalition of Wonnarua Traditional Custodians have claimed that C & A was "favouring 'one particular family group' in its dealings" and offering "no rules to ensure [the] money was spent for community benefit". Yarrawalk Enterprises Pty Ltd managing director Scott Franks said that people were told they could apply for "assistance for groceries, electricity bills, tea" which was reminiscent of the "mission management days". A C & A spokeswoman said that the company's primary objective was to "provide opportunities to contribute to a sustainable Aboriginal community". Newcastle Herald, 10-Apr-06, pg15. Wonnarua Tribal Council Inc #1 - Tribunal File Number: NC95/8, Federal Court Number: NSD6017/98.

12-Apr-06 **Gulaga and Biamanga Parks returned to traditional owners** Gulaga and Biamanga National Parks will be handed back to the local Aboriginal Community by NSW Environment Minister Bob Debus in a ceremony at Tilba. The two parks will be "leased by the Government for use as national parks...paving the way" for freehold title to the land to be handed back to the Aboriginal community. Dr Tony Flemming, head of the NSW National Parks and Wildlife service said that "the hand back is a recognition in law that these lands have a deep spiritual and cultural significance for all Aboriginal people." Narooma News, 12-Apr-06, pg 3.

12-Apr-06 **Traditional owners recognised in flag raising ceremony** The Gundungurra have been recognised at *nin garang thuree currobung* (The Place Between the Rocks) in the Gibbergunyah Reserve during a traditional Koori flag raising ceremony. One of the people present noted that the ceremony was a "gathering to remember and commemorate that [the] land is and forever will be the spiritual home of traditional owners". Southern Highlands News, 12-Apr-06, pg 15. Gundungurra Tribal Council Aboriginal Corporation #1 - #6 (respectively): #1 - Tribunal File Number: NC96/7, Federal Court Number: NSD6026/98. #2 - Tribunal File Number: NC96/27, Federal Court Number: NSD6044/98. #3 - Tribunal File Number: NC96/30, Federal.

13-Apr-06 **Fishing rights reinstated in the Solitary Islands Marine Park** Fishing rights have been returned to the Garby Elders and members of the Yarrawarra Aboriginal Corporation allowing them to fish in the Solitary Islands Marine Park. They will be allowed to use "traditional traps spears or lines to catch



fish" in the Arrawarra Headland area near Coffs Harbour which was once a "habitat protected zone". The initiative is a part of a "cross cultural project to teach Aborigines and the wider community about traditional fishing methods". Stephen Smith from the National Marine Science Centre welcomed the move and said that "they found it difficult to understand why they were denied traditional rights while scientists could take marine organisms off for research". Daily Telegraph, 13-Apr-06, pg 23.

15-Apr-06 **Coolac road completion confirmed** The RTA has announced that the Coolac road bypass will go ahead after archaeological work "to fully assess the impact of the project on indigenous heritage" is completed. A spokesperson for the RTA said that it is "essential in determining and mitigating the impact of the development on Aboriginal heritage". However it is "unlikely [that] the bypass will be operational until at least midway through 2009". Daily Advertiser, 15-Apr-06, pg 3.

16-Apr-06 **House offered as a part of land claim to be sold in Newcastle** The former Newcastle Headquarters of the Department of Education given to the Awabakal Local Aboriginal Land Council may be sold. The members have said that they "no longer consider the heritage building to be culturally significant". Chairman Sean Gordan noted that the land is significant but "renovating the existing building was financially out of the council's reach". The council is also pursuing claims on former police stations in the area to "provide a permanent home for its various youth programs". Sun Herald, 16-Apr-06, pg 51. 16-Apr-06

Native Title claims cover a quarter of NSW There are currently "35 active applications under the Native Title Act in NSW" covering an area of 214 000sq km in "the state's west as well as a small pocket west of Sydney". They are a part of the 575 active claims nationwide. Graeme Neate National Native Title Tribunal president has said that there are up to 50 claims lodged each year. Sunday Telegraph, 16-Apr-06, pg 11.

Northern Territory

24-Feb-06 **Housing proposal in remote communities** Housing Minister Elliot McAdam has proposed a housing plan that CLP Housing spokesman Richard Lim says can be sourced from mining royalties paid to the Aboriginal Benefits Account. He said that Aboriginal people were "making huge income but not

using it in a way that will further their benefits from the money". Centralian Advocate, 24-Feb-06, pg 12.

01-Mar-06 **Issue whether native title will impede uranium mining** In light of Prime Minister John Howard's decision to allow uranium mining, the NT minerals council has said that clauses in agreements between the CLC and mining companies "prevented new mines from opening" since "provisions are worded such that companies cannot look for uranium". However, CLC director David Ross has said that "the decision to mine uranium rested on traditional owners" and that "the CLC does not have a policy on uranium". Centralian Advocate, 1-Mar-06, pg 2.

02-Mar-06 **Governments should approve mining projects that provide opportunities for long term growth** The government has been accused of ignoring environmental and economic considerations in refusing the McArthur mine. Northern Territory News, 2-Mar-06, pg 13. See also articles National 17-Mar-06: Age, 13-Mar-06, pg 6; Sydney Morning Herald, 13-Mar-06, pg 5; Northern Territory News 20-Mar-06, pg 4; Australian, 17-Mar-06, pg 7.

22-Mar-06 **X strata given second chance for mine conversion** The NT's Mines Minister Kon Vatskalis has given Xstrata a "lifeline" in its attempt to redevelop the Macarthur River Mine". The Minister who has the "final say on the proposal sent the company back to the drawing board" to address environmental concerns even though its plans were rejected by the NT environment minister Marion Scrymgour. North West Star, 22-Mar-06, pg 5; Adelaide Advertiser, 22-Mar-06, pg 63; Sydney Morning Herald, 22-Mar-06, pg 31; Australian 21-Mar-06, pg 2.

01-Apr-06 **Compensation claim for extinguished native title fails** The Yankunytjatjara people have failed their claim for compensation after the extinguishment of their native title rights when the "tourist township" at Yulara was built near Uluru. The case was dismissed by Federal Court Justice Ronald Sackville who said that the "group had not proved continued observance of traditional laws and customs" although he also found that the "rights and interests of the group were not validly extinguished". Justice Sackville also noted that the "outcome might have been different had the case been presented differently". The case is the "first compensation case of its kind". Graham Neate the president of the National Native Title Tribunal was



"hoping that the case would resolve the question of compensation over the extinguishment of native title". He said that it was a "question of how you go about assessing native title and calculating it". Weekend Australian, 1-Apr-06, pg 12; Ballarat Courier, 1-Apr-06, pg 26; Daily Mercury, 1-Apr-06, pg 12; Geelong Advertiser, 1-Apr-06, pg 5; Gladstone Observer, 1-Apr-06, pg 10; Launceston Examiner, 1-Apr-06, pg 22; Morning Bulletin, 1-Apr-06, pg 27; Sunshine Coast Daily, 1-Apr-06, pg 24; Townsville Bulletin, 1-Apr-06, pg 4; Adelaide Advertiser, 1-Apr-06, pg 42; Bendigo Advertiser, 1-Apr-06, pg 12; Burnie Advocate, 1-Apr-06, pg 14; Courier Mail, 1-Apr-06, pg 20; Northern Territory News, 1-Apr-06, pg 3; Queensland Times, 1-Apr-06, pg 22; Sydney Morning Herald, 1-Apr-06, pg 7; West Australian, 1-Apr-06, pg 8; Daily Advertiser, 1-Apr-06, pg 10; National Indigenous Times, 6-Apr-06, pg 11; Centralia Advocate, 4-Apr-06, pg 9. **Antakirinja Matu-Yankunytjatjara** - Tribunal File Number: SC95/7, Federal Court Number: SAD6007/98.

06-Apr-06 **Debate over parks handover goes national** Alderman Melanie van Haaren has said that the Senate inquiry looking at the management of national parks "may liberate the NT from its usual fate of being a venue for Aboriginal policy initiatives". Ald van Haaren said that it would be wise to delay the policy until the inquiry reports its findings and supports delaying the decision until "the public has had its say" on the issue. She is confident that the "Australian public would be at one with the Territory in seeking to keep national parks in public hands". Alice Springs News, 6-Apr-06, pg 7.

06-Apr-06 **Alice Springs Mayor accused of delaying submission to senate inquiry** Richard Lim, shadow minister for Central Australia has accused Alice Springs Mayor Fran Kilgariff of delaying in providing a formal submission by the Council to the Senate Inquiry and Federal Minister for Indigenous Affairs. He said that she had "lost her focus on her duty...to represent the community of Alice Springs". However the Mayor has responded by saying that the Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill will not "not have any impact on the ownership of national parks". She said that only the Aboriginal Land Rights (NT) Act 1976 has "direct relevance" to the NT. Alice Springs News. 6-Apr-06, pg 2.

14-Apr-06 **Larrakia Native Title claim over Darwin fails** The Federal Court has dismissed Larrakia's claim over land including a large part

of Darwin and nearby Palmerston in a landmark judgment making it "impossible" for Aboriginal people to win similar claims. Justice John Mansfield held that "the Larrakia had not maintained a continuous observance of traditional laws and customs since sovereignty". He said that even though the Larrakia Community was "vibrant and dynamic" he found that " 'a combination of circumstances'" including European Settlement, the influx of other claim groups, and government policies "had interrupted the presence of the Larrakia people in the Darwin area". The Northern Land Council (NLC) representing the claimant group has said that it will seek an appeal. NLC chief Norman Fry said that it was "ridiculous" to expect customs and traditions to stay the same over hundreds of years". The claim covers an area of 575 sq km of Crown Land on the outskirts of Darwin including reserves and beaches. A successful claim would have had given the Larrakia people "exclusive possession" of the land. Barrier Daily Truth, 14-Apr-06, pg 9; Adelaide Advertiser, 14-Apr-06, pg 9; Illawarra Mercury, 14-Apr-06, pg 11; Hobart Mercury, 14-Apr-06, pg 4; Northern Territory News, 14-Apr-06, pg 1; Northern Territory News, 14-Apr-06, pg 2; Western Advocate 14-Apr-06, pg 5; Age, 15-Apr-06, pg 9. **Dangalaba 1** - Tribunal File Number: DC96/1, Federal Court Number: NTD6010/98. **Dinah Beach** - Tribunal File Number: DC96/2, Federal Court Number: NTD6011/98. **Dangalaba 3** - Tribunal File Number: DC96/3, Federal Court Number: NTD6012/98. **Hundred of Ayers** - Tribunal File Number: DC96/4, Federal Court Number: NTD6013/98. **Elizabeth River** - Tribunal File Number: DC96/5, Federal Court Number: NTD6014/98. **Binybarra - Totem Rd/Buffalo Creek** - Tribunal File Number: DC96/6, Federal Court File Number: NTD6015/98. **Dangalaba 7** - Tribunal File Number: DC96/8, Federal Court Number: NTD6018/98. **Dangalaba 8** - Tribunal File Number: DC96/9, Federal Court Number: NTD6019/98. **Larrakia - Palmerston** - Tribunal File Number: DC94/1, Federal Court Number: NTD6007/98. **Larrakia - Darwin** - Tribunal File Number: DC96/7, Federal Court Number: NTD6017/98. **Dangalaba 9** - Tribunal File Number: DC97/3, Federal Court Number: NTD6022/98. **Larrakia No. 2** - Tribunal File Number: DC99/1, Federal Court Number: NTD6001/99. The Larrakia matter is comprised of the listed applications.

16-Apr-06 **Native Title claims must be tested for validity before NT Government hands over land** The shadow Minister for Central Australia, Richard Lim has said that the



"government must test 'the validity of native title claims before'" handing over land to Indigenous groups. Dr Lim said that the Territory government's handover of 48 national parks did not follow the Federal Court's ruling against the Larrakia claim. He said that the "Chief Minister proposes to hand over 48 parks across the Territory...without first seeking a court ruling that the claims are legitimate". Sunday Territorian, 16-Apr-06, pg 8.

16-Apr-06 **200 Active Native Title claims in NT** There are currently 200 active native title claims across the Northern Territory with "almost all eligible areas subject to a claim and an increasing number of out of court settlements". The claims cover almost 30 per cent of the NT and make up a third of the 575 claims nationwide. About 1100 native title claims have been lodged with 83 resulting in successful determinations and 13 successfully litigated. However, "more than 6000 individual native title agreements have been reached over the past 12 years". NNTT president Graeme Neate said that the "trend has shifted from costly court battles to native title agreements". He noted that "many myths and horror stories about native title have been dispelled in recent years" and that "Aboriginal aspirations or expectations are lower than they were in the early days". Sunday Territorian, 16-Apr-06, pg 14.

18-Apr-06 **Parks handover will go ahead** Controversy over the handover of parks in the Northern Territory continues even though Indigenous Affairs Minister Mal Brough has said that "the Federal government will not stand in the way where the Northern Territory Government and Land Councils agree to the approach". The NT Government can spend "\$1 million a year for 99 years to lease back the parks", a scheme opposed by Alice Springs Alderman Murray Stewart and businessman Ian Builder. Centralian Advocate, 18-Apr-06, pg 8.

Queensland

01-Mar-06 **Council waiting to resume native title land** The Emerald Shire Council is waiting to resume Crown Land for the Gemfields retirement units. Bryan Ottone the Council's CEO has said that "as soon as this process was completed the land would then be free-hold with part of the process including the Native Title Process." Central Queensland News, 1-Mar-06, pg 12.

01-Mar-06 **Western Yalanji people granted native title** The Western Yalanji people have

been granted native title over two parcels of perpetual lease (pastoral property) land north-west of Cairns. Western Yalanji spokesman Danny O'Shane said that the grant is seen as an "opportunity for business development" in tourism while enabling the Yalanji to "carry out traditional rights". He also said that through the negotiations he hoped to "achieve outcomes that will provide opportunities for [Indigenous] people". The determination also provides a positive outlook for four other pending claims in Northern Queensland. Koori Mail, 1-Mar-06, pg 10. Western Yalanji People #3 - Tribunal File Number: QC98/39; Federal Court File Number: QUD6089/98.

03-Mar-06 **Chinese firm Chalco in the running for Aurukun mine** The Chinese aluminium corporation Chalco seems likely to gain the lease to the bauxite deposit in Cape York. Even though Queensland Premier Peter Beattie has stressed that it is not a "done deal" he noted that Queensland "wanted more than just a mine" and "establish a partnership between the developer and the Aurukun Indigenous community to provide long-term economic and social benefits". West Australian, 3-Mar-06, pg 35; Western Cape Bulletin, 9-Mar-06, pg 3. ILUA: Aurukun Township & Access Road Agreement: QI01/26. Determination: Wik and Wik Way Peoples: QC94/3, QUD6001/98. The Wik and Wik Way Peoples are native title holders to 3 consent determinations. Wik and Wik-Way Peoples; Wik and Wik Way Native Title Determination No. 2; Wik and Wik Way Native Title Determination No. 3.

04-Mar-06 **Republic Gold proposes mining lease in Northcote and Tregoora** Republic Gold is negotiating mining leases at Northcote and Tregoora within the Karma Waters Station area which is subject to a native title claim by the Western Yalanji people. A spokesman from Republic noted that they had "developed an excellent working relationship" and that "numerous site clearances have been made in the area by elders of the Western Yalanji [so that] no significant sites have been located in the proposed mining leases". Cairns Post, 4-Mar-06, pg 41. Western Yalanji Peoples - Tribunal File Number: QC95/10; Federal Court File Number: QUD6002/96.

04-Mar-06 **Cape York Indigenous community could receive \$112m from mining leases** The Cape York Indigenous community could receive \$112m from mining leases in the Aurukun region from Chalco. However both parties have said that "there is a long way to go" in the negotiations and "mining would only



proceed on the traditional land if the agreement with the company was mutually satisfactory". Courier Mail, 4-Mar-06, pg 9. ILUA: Aurukun Township & Access Road Agreement: QI01/26. Determination: Wik and Wik Way Peoples: QC94/3, QUD6001/98. The Wik and Wik Way Peoples are native title holders to 3 consent determinations. Wik and Wik-Way Peoples; Wik and Wik Way Native Title Determination No. 2; Wik and Wik Way Native Title Determination No. 3.

07-Mar-06 **Marble miner wins right to mine over native title land** Robert Cameron has been granted a mining lease over traditionally owned land in Greenvale. Cameron distinguished between the preservation of culture and history and the desire to make money. The Native Title Tribunal report notes that the traditional owners did not provide evidence of how the members enjoyed their interests and whether the land contained any culturally significant sites. The tribunal also held that "the granting of a lease would provide social and economic benefits for the local economy". Townsville Bulletin, 7-Mar-06, pg 6.

08-Mar-06 **Torres Strait Islander fisherman want fishing rights to be included under native title** Torres Strait Island fisherman want to increase the current exclusive fishing zone as a "positive step" towards self determination. After previous meetings with the Protected Zone Joint Authority, legislation was enacted to implement a "10 nautical mile closure". The fishermen now hope that this ruling will establish a "precedent to move towards full indigenous control of Torres Strait fishing". They argue that benefits of fishing rights are "immeasurable" in achieving "economic independence" and can be "an industry that can take [them] off welfare". Torres News, 8-Mar-06, pg 11.

15-Mar-06 **Indigenous groups compete for land claims on Sunshine Coast** Groups within the Kabi Kabi community are competing for native title claims in land from Childers to Redcliffe on the Sunshine coast. The Noosa Council report states that the "applications overlap but are not identical, do not seek ownership of all lands within the claim area [but] only lands eligible for native title". Sunshine Coast Daily, 15-Mar-06, pg 9; Fraser Coast Chronicle, 16-Mar-06, pg 7. Kabi Kabi People: QC06/3, QUD12/06 (13/01/06). Kabi Kabi #2: QC06/6, QUD65/06.

16-Mar-06 **Fifth anniversary of Western Cape Communities Co-existence Agreement**

(WCCCA) The WCCCA was signed on 14 March 2001 between Traditional Owners, Comalco, the Cape York Land Council, Aurukun, Napranum, Mapoon and New Mapoon under which money is paid to trusts "to be spent on long term investments, employment and training initiatives". Comalco General Manager Rob Atkinson said that "we rely on Aboriginal land to mine and we want to make sure that local people benefit through a range of opportunities". Western Cape Bulletin, 16-Mar-06, pg 3.

17-Mar-06 **Kabi Kabi native title claim** The Kabi Kabi people have lodged a native title claim with the Federal Court over land "extending between Childers and the Isis River in the north to the Redcliffe and the Pine River in the south". The claim also includes "Bribie Island, coastal areas to low water and inland areas". News Mail, 17-Mar-06, pg 4. News Mail, 17-Mar-06, pg 4.

18-Mar-06 **Kaurareg honour Billy Wasaga** Billy Wasaga has died and will be honoured for leading the Kaurareg people in a "land mark victory" in 2001 when the Federal Court recognised the Kaurareg as traditional owners of islands in the Torres Strait area. Cairns Post, 18-Mar-06, pg 8. Kaurareg People #2 - Tribunal File Number: QC96/7; Federal Court Number: QUD6024/98. Kaurareg People #5 - Tribunal File Number: QC96/10; Federal Court Number: QUD6027/98. Kaurareg People #4 - Tribunal File Number: QC96/9; Federal Court Number: QUD6026/98. Kaurareg People #1 - Federal Court Number: QUD6023/98 Kaurareg People #3 - Tribunal File Number: QC96/8 Federal Court Number: QUD6025/98. All 5 consent determinations were handed down on the 23rd of May 2001.

20-Mar-06 **Tableland Yidinji's claim smaller than feared by property owners** North Queensland Land Council has tried to clarify misunderstandings of the extent of the Tableland Yidinji claim over land around Atherton, Tolga, Kairi and Lake Tinaroo. The council's senior legal officer said that "misunderstandings that 'houses' could be stolen by Aboriginal people" were "unfounded and that the rights of the claim were limited to non-freehold land for traditional access". He also commented on the loss of sacred areas when a dam was built in the 1950s. He hoped that the current claim would ensure this would "never ever reoccur". Cairns Post, 20-Mar-06, pg 7. Tableland Yidinji People #3 - Tribunal



File Number: QC04/10; Federal Court File Number: QUD208/04.

04-Apr-06 **Search for hot-rock resources must resolve native title first** The search for hot-rock resources have progressed but tenderers must address native title and environmental issues "to prove their eligibility". Courier Mail, 4-Apr-06, pg 56; Herald Sun, 4-Apr-06, pg 28.

04-Apr-06 **Overlapping native title claims delay highway upgrade** Upgrades to sections of the Barkly Highway have been delayed due to overlapping native title claims in the Inca Creek section. The upgrades follow heavy floods in the area and will finally go ahead after more than one year. North West Star, 4-Apr-06, pg 3.

11-Apr-06 **Aboriginal Groups participate in workshop for land and water restoration** Aborigines are expected to attend a workshop in remote Mareeba to learn how to "heal their country". The workshop has been coordinated by the Bar-Barrum people who had won native title over land between Almaden, Petford, Irvinebank and Herberton. The aim was to "discuss ways the people could restore the land and waterways, which have been damaged by mining activities so that more can return to country". Cairns Post, 11-Apr-06, pg 9. **Bar-Barrum People** - Tribunal File Number: QC96/105, Federal Court File Number: QUD6222/98. The Bar-Barrum consent determination was determined on the 28/06/2001.

12-Apr-06 **Native title claim lodged over Mornington Island** The Lardil, Yangkaal, Gangalidda and Kaiadilt people have lodged a native title application over Mornington Island with the National Native Title Tribunal to "exclusively use and occupy some land and waters on the island for hunting, fishing and camping purposes". Charlie Wilson-Clark, NNTT public affairs officers said that "it was likely the claim would prove successful". The group has successfully passed the registration test. North West Star, 12-Apr-06, pg 4. **Lardil, Yangkaal, Gangalidda & Kaiadilt Peoples** - Tribunal File Number: QC06/1, Federal Court Number: QUD7/06.

20-Apr-06 **Badulgal and Mualgal succeed in native title claim** The Badulgal and Mualgal people have succeeded in a native title claim over 80 uninhabited islands, islets and rocks in the Torres Strait area. This is the 27th consent determination in the area...The determination

also means that Islanders "now have the legal right to police what they have known was theirs for centuries" and stop "visitors helping themselves" to food stocks. North Queensland Register, 20-Apr-06, pg 3; Cairns Post, 20-Apr-06, pg 8. **Mualgal People #2** - Tribunal File Number: QC02/4, Federal Court File Number: QUD6003/02. This matter was determined on the 13/04/2006.

20-Apr-06 **Wik campaigner dies** Gladys Tybingoompa a senior Wik elder of the Aurukun has died of diabetes complications. She is famous for dancing "barefoot and bare-breasted on the lawns of Parliament House" after the Wik native title ruling which held that native title coexisted with pastoral leases. She is one of Australia's best known Indigenous advocates famous for "challenging authority" and never giving up the fight for Aboriginal justice. Cairns Post, 20-Apr-06, pg 11; Courier Mail, 20-Apr-06, pg 20; Daily Telegraph, 20-Apr-06, pg 19; Sunshine Coast Daily, 20-Apr-06, pg 4; Sydney Morning Herald, 20-Apr-06, pg 4; Townsville Bulletin, 20-Apr-06, pg 4; West Australian, 20-Apr-06, pg 6; Courier Mail, 21-Apr-06, pg 100. Tribunal File Number: QC94/3; Federal Court File Number: QUD6001/98. The Wik and Wik Way Peoples are native title holders to 3 consent determinations with the NNTT. Wik and Wik-Way Peoples (3 October 2000); Wik and Wik Way Native Title Determination No. 2 (24 March 2005); Wik and Wik Way Native Title Determination No. 3 (24 March 2005).

South Australia

05-Apr-06 **Adnyamathanha community fails to benefit from native title** The Adnyamathanha community has questioned whether "Native Title representatives are being honest" after they have been excluded from consultations and receiving entitlements. D Austin has said "I'm sick of the way that these people are playing God and think they can continue to". Port Augusta Transcontinental, 5-Apr-06, pg 8. **Adnyamathanha No.1** - Tribunal File Number: SC99/1, Federal Court File Number: SAD6001/98. **Adnyamathanha No. 2** - Tribunal File Number: SC95/1, Federal Court Number: SAD6002/98.

Tasmania

17-Mar-06 **Tasmanian Greens promise more land will be returned** The Tasmanian Greens have pledged to return land to the Indigenous community by severing Crown land leases. Even though the specific details of the hand back have not been discussed the Greens have



emphasised that the return of land is a matter of "political will to recognise the interests of Tasmanian Aboriginal community" rather than expense. Launceston Examiner, 17-Mar-06, pg 8.

Victoria

28-Feb-06 **Lack of consultation with Aboriginal people over cultural sites** Alan Carriage, president of the Wadi Wadi Coomaditchie Aboriginal Corporation has raised concerns over the lack of consultation with traditional owners. The proposed long wall mining in the Westcliff Colliery Area 5 threatens writing trees, which are the only written Aboriginal language in Australia. The Northern Illawarra Aboriginal Collective Inc (NIAC) has written a submission to the Federal Department of Environment and Heritage noting that "Aboriginal culture and heritage...has been ignored by a recklessly flawed, grossly inadequate, and cultural inappropriate consultation with tradition owners". Wollondilly Advertiser, 28-Feb-06, pg 3; Campbelltown-Macarthur Advertiser, 1-Mar-06, pg 107.

02-Mar-06 **Prime Minister admits to mistakes made while in office** Prime Minister John Howard has admitted that he took too long to respond to the Wik land rights decision in 1997. Border Mail, 2-Mar-06, pg 12; Townsville Bulletin, 2-Mar-06, pg 5; Illawarra Mercury, 2-Mar-06, pg 9; Newcastle Herald, 2-Mar-06, pg 4; Warrnambool Standard, 2-Mar-06, pg 6; Cairns Post, 2-Mar-06, pg 11; Sunshine Coast Daily, 2-Mar-06, pg 4. Tribunal File Number: QC94/3; Federal Court File Number: QUD6001/98. The Wik and Wik Way Peoples are native title holders to 3 consent determinations with the NNTT. Wik and Wik-Way Peoples (3 October 2000); Wik and Wik Way Native Title Determination No. 2 (24 March 2005); Wik and Wik Way Native Title Determination No. 3 (24 March 2005).

07-Mar-06 **Traditional Mirarr people pressured into approving mining in Jabiluka** The Federal government has placed pressure on the Mirarr traditional owners to approve mining operations in Jabiluka the "richest undeveloped uranium deposit". The Mirarr have the right to veto mining at Jabiluka and the federal government has "'implied' over a number of years to Mirarr representatives that "we will give you Jabiru, just give us Jabiluka". With the closing of the nearby Ranger mine the future of Jabiru is threatened with population decline and the loss of essential services. Age, 7-Mar-06, pg 5; Sydney Morning Herald, 7-Mar-

06 pg 7. Jabiru Township: Tribunal File Number: NC97/7. Federal Court Number: NTD6027/98.

07-Mar-06 **Traditional owners boycott Commonwealth Games** Traditional land owners in Victoria have "voted unanimously" to support a protest camp at Kings Domain during the Commonwealth games until "the Federal Government recognised indigenous sovereignty and worked towards a treaty". Protest to be held in King's Domain between March 15 and 26. Northcote Leader, 7-Mar-06, pg 9.

08-Mar-06 **Moyne Shire has granted traditional owners of Framlingham Forest a rate exemption** The Moyne Shire has granted the traditional owners of the Framlingham Forest a rate exemption on the grounds that "the area is of significance to local indigenous people and is recognised as a place of...historical and environmental importance". In exchange the traditional owners must allow restricted public access for recreation and research. Warrnambool Standard. 8-Mar-06, pg 3; Terang Express, 16-Mar-06, pg 1.

13-Mar-06 **Horsham City Council withdraws from land claim** The Horsham Rural city council has been able to withdraw from the Gournditch-Mara Peoples native title claim after the boundaries of the contested area were redrawn. This coincides with the council's view that "it is no longer justifiable or appropriate for the council to be involved in the claim". Wimmera Mail Times, 13-Mar-06, pg 7. Gunditjmara - Tribunal File Number: VC99/7; Federal Court File Number: VID6004/98.

14-Mar-06 **Stolenwealth games protest continues** ANTaR (Australian for Native Title and Reconciliation) continue their protest in Melbourne to coincide with the Commonwealth Games by staging a "visual protest" demanding a treaty over land. Age, 14-Mar-06, pg 7; Daily Mercury, 14-Mar-06, pg 12; Daily News, 14-Mar-06, pg 7; Gladstone Observer, 14-Mar-06, pg 11; Gympie Times, 14-Mar-06 pg 6; Herald Sun, 14-Mar-06, pg 27; Morning Bulletin, 14-Mar-06, pg 14; News Mail, 14-Mar-06, pg 12; Queensland Times, 14-Mar-06, pg 12; Daily Advertiser, 14-Mar-06, pg 17.

31-Mar-06 **Traditional owners of Murray recognised** The traditional owners of the Murray-Darling Basin have been recognised by the Murray-Darling Ministerial Council after the signing of a MOU outlining their role in the management of natural resources. Matthew Rigney the chair of the Murray Lower Darling



Rivers Indigenous Nations (MLDRIN) said that the MOU "establishes a working relationship between the Nations and the Commission" and "ensures... a consistent process for engagement and the full informed consent of the Nations". The MOU has a three year pilot period but has laid the foundations for a more permanent process. Koondrook & Barham Bridge, 31-Mar-06, pg 1; Cohuna Farmers Weekly, 5-Apr-06, pg 3.

08-Apr-06 **Long running native title claim trimmed** The Gournditch-Mara people have narrowed their initial claim in the federal court over 20 000sqkm of land, inland waters and ocean stretching from Naracoorte, to Ararat, Yambuk and Nelson. The new claim no longer includes land in Horsham and West Wimmera. Justice Tony North is currently deciding the claim and have given the claimants and opportunity to file an amended application. He said that the "parties have been in mediation and made substantial progress towards an agreed resolution". Warrnambool Standard. 8-Apr-06, pg 7. **Gunditjmarra** - Tribunal File Number: VC99/7; Federal Court File Number: VID6004/98.

10-Apr-06 **Bracks government should do more for Aborigines** Wayne Atkinson a member of the Yorta Yorta group has said that the Victorian Government has a "shameful legacy in regard to indigenous land claims and still lacks the political will to deal with the matter in a fair and just manner". He said that land justice has "been hard and the returns have been miniscule". Mr Atkinson also criticised the Mallee-Wimmera consent agreement which was not a grant of native title since basic rights have been "normalised" and in exercising those rights they would be required to "comply with imported Anglo laws". He questions whether it was "land justice or continues dispossession by stealth". Victoria has also failed to "introduce land claims processes that allow indigenous claimants to achieve some degree of land justice on the basis of traditional and historic connections and ...need for land." Age, 10-Apr-06, pg 13. **Yorta Yorta Clans** - Tribunal File Number: VC94/1, Federal Court Number: VID6001/95. The Yorta Yorta matter was fully determined on the 18/12/1998.

14-Apr-06 **Landowner unconvinced of fairness of Narrawong Coastal Areas Principle Development Plan** Michael Maher said that he will be "financially ruined" after proposals by the state government to preserve land where an alleged Aboriginal massacre occurred in the 1830s. However, Aboriginal

traditional owner Wal Saunders said that the plan was "balanced in considering both black and white community interests". The development plan was proposed after both Indigenous and commercial interests "lobbied the State to buy the land at market price and return it to traditional owners". Portland Observer, 14-Apr-06, pg 1.

Western Australia

24-Feb-06 **Amendments to Mining Act 1978** Reforms to the Mining Act 1978 came into effect in early February aimed to "modernise WA's mining law and encourage long-term mineral exploration". It is designed to cut the back log of mining leases in WA by allowing for exploration where applicants do not want to commence full-scale mining. Applicants are provided with a 12 month window from the date of proclamation to apply for reversion titles. Mining lease legislation. Golden Mail, 24-Feb-06, pg 11.

02-Mar-06 **Dambimangari agree to mining operations on Koolan Island** Aztec Resources has been given approval from environment Minister Mark McGowan to resume iron ore mining on Koolan Island. The company has signed an "in principle agreement" with the Dambimangari people who have a native title claim covering 27 937sq km of land and sea in the Kimberly area. The details of the agreement have not been disclosed but the Dambimangari are expected to receive "training and job opportunities" in exchange for "mining operations and infrastructure". Broome Advertiser, 2-Mar-06, pg 5; Kimberly Times, 2-Mar-06, pg 1; Business News, 2-Mar-06, pg 34. Claimant Application: Dambimangari - Tribunal File Number: WC99/7; Federal Court File Number: WAD6061/98.

04-Mar-06 **Claimants in the North West Cluster agree to negotiate rather than litigate** Hearings in the Federal Court for the North West Cluster of native title claims have been cancelled with litigants opting for out-of-court settlements instead. Their "willingness to cooperate" had cleared the way for negotiations with the state. National Native Title Tribunal member Ruth Wade noted that "the exciting thing about the decision was that the claimants [had sent] a clear signal that they could do business among themselves and were ready to negotiate with others". Kalgoorlie Miner, 4-Mar-06, pg 5.

16-Mar-06 **Radio astronomy park proposed over Wajarri Yamatji land** The Western Australian government has proposed a radio



astronomy park on Mileura Station. The park is a part of Australia's "bid to win the international \$1.7 billion Square Kilometre Array project". The Science and Innovation Minister Francis Logan has said that negotiations were "underway with Wajarri Yamatji native title claimant group". Business News, 16-Mar-06, pg 4. Wajarri Yamatji - Tribunal File Number: WC04/10; Federal Court File Number: WAD6033/98.

18-Mar-06 **CALM management plan attempts to balance mining, tourism and conservation** The Department of Conservation and Land Management has proposed a new management plan for reserve land in northern Yilgarn and has sought comment from relevant stakeholders. Goldfields executive director Brian Wyatt said that the rep body would make a submission but "he expected the plan would be in accordance with their MOU with CALM". Kalgoorlie Miner, 18-Mar-06, pg 7.

21-Mar-06 **Wongatha people issue declaration claiming sovereignty** The Wongatha People have made a declaration claiming sovereignty over land in Laverton, Menzies and Leonora. The declaration is considered to be a "national first" and will be distributed to mining companies and the State and Federal governments. The Federal Court is yet to hand down on a decision on the Wongatha claim. Aubrey Lynch, a spokesman for Wongatha has said that "[they] need to be consulted in the way of the programs and progress of [their] country". He also said that they wanted people to recognise their ownership in the land, "if white men have freehold property they've got the rights to that property but we haven't got rights to the land that we own". Kalgoorlie Miner, 21-Mar-06, pg 3. Wongatha - Tribunal File Number: WC99/1; Federal Court Number: WAD6005/98. See also Koori Mail, 29-Mar-06, pg 18.

23-Mar-06 **Walmun excluded from discussions between KLC and State government** The Walmun Yawuru people have fears that important cultural sites will be "negotiated away" in talks between the Kimberly Land Council and the State government. The Walmun and Rubibi belong to the Yawuru community, to which the Federal Court has acknowledged native title. However a Walmun Yawuru woman, Robin Hanigan said that "Walmun Yawuru were faced with the position where the KLC and a select group of Rubibi representatives were approving all developments over Walmun Yawuru lands". They are hoping that the Federal Court will

intervene by only approving PBC and Constitution where everyone is represented. Broome Advertiser, 23-Mar-06, pg 1; Kimberly Times, 23-Mar-06, pg 4. Application: Walman Yawuru - Tribunal File Number: WC04/9; Federal Court File Number: WAD285/04. Determination: Rubibi # 6 - Tribunal File Number: WC95/28; Federal Court File Number: WAD91/98. The Rubibi litigated determination was handed down on the 7th November 2001.

23-Mar-06 **Indigenous anglers seek traditional fishing rights** Local Indigenous fisherman have voiced their concerns to Kimberly MLA Carol Martin over being ignored in new fishing laws. She said that "they're not recreational fisherman and they take their fish for subsistence". Ms Martin as noted that "they refuse to relinquish their right to harvest" which is legally covered under Native Title. Broome Advertiser, 23-Mar-06, pg 3.

23-Mar-06 **Police presence at native title meeting intimidating** A native title meeting in Mount Magnet has attracted police attention that organisers say was "ridiculous". The police claim that they were trying to avoid what happened in Meekatharra but Janice Strickland, organiser for the Budimia Land Corporation says that "it was an annual meeting of business people" that occurred "regularly" without "any trouble before". She also said that the presence was "intimidating and frightened people". Mid-West Times, 23-Mar-06, pg 5.

05-Apr-06 **State government and Baiyungu Aboriginal Corporation reach agree on Coral Bay development** An agreement has been announced between the State Government and the Baiyungu Aboriginal Corporation which enables development in Coral Bay for workers accommodation. The Corporation will "become leaseholders" for the development which will "provide opportunities" for the local Indigenous people. The agreement has been endorsed by the Gnulli native title working group which is represented by the Yamatji Land and Sea Council. Northern Guardian, 5-Apr-06, pg 3. **Gnulli** - Tribunal File Number: WC97/28, Federal Court File Number: WAD6161/98.

06-Apr-06 **KLC disputes Walmun Yawuru claim** The Kimberly Land Council has said that it is "surprising and disappointing" that the Walmun Yawuru would "choose to use the media to advance their issues". This follows claims that the KLC had acted beyond its statutory responsibilities and had made decisions relating to Yawuru land and those in the Rubibi claim group. Executive director

Wayne Bergmann disputed the claims saying that how they choose to participate in processes and decisions relating to native title was "entirely in their hands". Broome Advertiser, 6-Apr-06, pg 8; for contrasting view see Broome Advertiser, 20-Apr-06, pg 6. Application: **Walman Yawuru** - Tribunal File Number: WC04/9; Federal Court File Number: WAD285/04. Determination: **Rubibi # 6** - Tribunal File Number: WC95/28; Federal Court File Number: WAD91/98. The Rubibi litigated determination was handed down on the 7th November 2001.

07-Apr-06 **Ochre mine deal reached** An agreement has been reached between Wajarri elders and the Midwest Corporation which will protect the Wilgie Mia ochre mine from mining and exploration. The Yamatji Land and Sea Council which acted on behalf of the Wajarri group said that the agreement was "one of the biggest exploration agreements ever negotiated and sets a benchmark in terms of levels of cooperation and cultural sensitivity". The Wajarri will also receive an undisclosed amount of shares in the Midwest Corporation which will be held on trust for the group and "help provide long term economic sustainability". Geraldton Guardian, 7-Apr-06, pg 5. Application: **Wajarri Yamatji** - Tribunal File Number: WC04/10, Federal Court Number: WAD6033/98. Determination: **Nharnuwangga Wajarri & Ngarlawangga** - Tribunal File Number:

WC99/13, Federal Court Number: WAD72/98. The Nharnuwangga Wajarri and Ngarlawangga matter was fully determined on the 05/07/2001.

17-Apr-06 **Traditional land owners miss out on Pilbara boom** Even though mining companies have "gone beyond their legal obligation" and are working on education and long term employment programs many of the "riches...delivered...by the mining boom are not improving conditions for traditional owners". Pilbara Native Title Service executive director Simon Hawkins said that "despite all good intentions...conditions for the Aboriginal people are still Third World". Dr John Taylor from the Centre for Aboriginal Economic Policy Research said that the employment status of the Indigenous community "is pretty much unchanged since mining commenced". He said that health problems and low education levels meant that "getting local people job ready for work in mines is a major challenge" and that "because of the legacy of neglect...there is major investment required on the part of business and government if the opportunity is to be realised". North West State, 17-Apr-06, pg 4; Border Mail, 17-Apr-06, pg 44; Canberra Times, 17-Apr-06, pg 15; Launceston Examiner, 17-Apr-06, pg 41; Northern Territory News, 17-Apr-06, pg 29.

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APPLICATIONS LODGED WITH THE NNTT

DATE FILED	APPLICATION NAME	APPLICATION TYPE	STATUS	STATE/TERRITORY	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
22/03/2006	KARNAPYRRI	CLAIMANT	ACTIVE	WA	WC06/	WAD77/06
7/04/2006	Kabi Kabi People #3	Claimant application	Active	Queensland	QC06/7	QUD136/06
11/04/2006	Wiradjuri Mooka 2 Clan	Claimant application	Active	New South Wales	NC06/3	NSD690/06
11/04/2006	Cowra Wiradjuri Clan	Claimant application	Active	New South Wales	NC06/4	NSD689/06

19/04/2006	Wildman River / Point Stuart	Claimant application	Active	Northern Territory	DC06/1	NTD2/06
21/04/2006	Gudjala People #2	Claimant application	Active	Queensland	QC06/8	QUD147/06
28/04/2006	Bond Springs	Claimant application	Active	Northern Territory	DC06/2	NTD4/06
28/04/2006	North Eastern Wiradjuri People	Claimant application	Active	New South Wales	NC06/5	NSD803/06

Source: this information has been extracted from <http://www.nntt.gov.au/cgi-bin/search/search.pl> on the [National Native Title Tribunal website](#).

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REGISTRATION TEST DECISIONS

DECISION DATE	APPLICATION DATE	APPLICATION NAME	STATE	DECISION	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
23/03/2006	22/02/2006	Kabi Kabi #2	QLD	NOT ACCEPTED	QC06/6-1	QUD65/06
23/03/2006	13/01/2006	Kabi Kabi People	QLD	NOT ACCEPTED	QC06/3-1	QUD12/06
24/03/2006	20/01/2006	Karingbal #2	QLD	ACCEPTED	QC06/5-1	QUD23/06
30/03/2006	12/01/2006	Lardil, Yangkaal, Gangalidda & Kaiadilt People	QLD	ACCEPTED	QC06/1-1	QUD7/06
4/04/2006	11/10/2005	Kulyakartu	WA	NOT ACCEPTED	WC05/7-1	WAD293/05
5/04/2006	5/11/2002	Torres Strait Regional Sea Claim	QLD	ACCEPTED	QC01/42-2	QUD6040/01
5/04/2006	11/04/2005	Gurambilbarra People	QLD	NOT ACCEPTED	QC05/9-1	QUD97/05
13/04/2006	20/02/2006	Gingirana	WA	ACCEPTED	WC06/2-1	WAD6002/03
13/04/2006	8/11/2005	Alcoota No. 2	NT	ACCEPTED	DC05/11-1	NTD35/05
19/04/2006	8/11/2005	Mt Everard	NT	ACCEPTED	DC05/12-1	NTD36/05
20/04/2006	25/09/1998	South West Boojarah	WA	NOT ACCEPTED	WC98/63-2	WAD6279/98

Source: this information has been extracted from http://www.nntt.gov.au/cgi-bin/search/search.pl?dec_date=2006&col=registration&sorttype=dec_date&disp=true&list=dec_dateon on the [National Native Title Tribunal website](#).

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APPLICATIONS CURRENTLY IN NOTIFICATION

NOTIFICATION CLOSING DATE	APPLICATION NAME	APPLICATION TYPE	DATE FILED	STATE/ TERRITORY	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
1/05/2006	Mr Brian Robertson	NON-CLAIMANT APPLICATION	11/11/2005	NEW SOUTH WALES	NN05/19	NSD2183/05
1/05/2006	NSW Minister for Lands #8	NON-CLAIMANT APPLICATION	24/11/2005	NEW SOUTH WALES	NN05/20	NSD2297/05
15/05/2006	Wakool Shire Council	NON-CLAIMANT APPLICATION	3/01/2006	NEW SOUTH WALES	NN06/1	NSD11/06
31/05/2006	Worimi Local Aboriginal Land Council #4	NON-CLAIMANT APPLICATION	6/01/2006	NEW SOUTH WALES	NN06/4	NSD32/06
31/05/2006	John & Maria Vigliante	NON-CLAIMANT APPLICATION	3/01/2006	NEW SOUTH WALES	NN06/3	NSD7/06
31/05/2006	Lauri Tuominen	NON-CLAIMANT APPLICATION	4/01/2006	NEW SOUTH WALES	NN06/2	NSD13/06
31/05/2006	Niyiyaparli	CLAIMANT APPLICATION	1/09/2005	WESTERN AUSTRALIA	WC05/6	WAD6280/98
31/05/2006	Worimi Local Aboriginal Land Council #5	NON-CLAIMANT APPLICATION	6/01/2006	NEW SOUTH WALES	NN06/5	NSD34/06
28/06/2006	Lumugal	CLAIMANT APPLICATION	17/01/2006	WESTERN AUSTRALIA	WC06/1	WAD15/06
28/06/2006	Bindurrna People	CLAIMANT APPLICATION	14/01/2005	WESTERN AUSTRALIA	WC05/1	WAD8/05
28/06/2006	Forster Local Aboriginal Land Council	NON-CLAIMANT APPLICATION	26/09/2005	NEW SOUTH WALES	NN05/14	NSD1798/05
28/06/2006	Tableland Yidinji People #3	Claimant application	14/10/2004	Queensland	QC04/10	QUD208/04

Source: this information has been extracted from http://www.nntt.gov.au/cgi-bin/search/search.pl?col=ntapplications&browse=notifications_current&sorttype=notification_closing_date on the [National Native Title Tribunal website](#).

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ILUAS

TRIBUNAL FILE NO.	NAME	TYPE	STATE TERRITORY	REG. DATE	SUBJECT MATTER
QI2005/013	Burdekin pipeline	AREA AGREEMENT	QUEENSLAND	17 /03/06	PIPELINE
WI2004/005	Ngaanyatjarra Lands ILUA No.1	BODY CORPORATE AGREEMENT	WESTERN AUSTRALIA	09/03/06	MINING

There were no ILUAs registered in April 2006.

Source: this information has been extracted from http://www.nntt.gov.au/ilua/bydate_index.html on the [National Native Title Tribunal website](#).

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DETERMINATIONS

Short name	Case name	Date	State/Terr.	Outcome	Legal process
Badu & Moa People #2	Nona and Manas v State of Queensland [2006] FCA 412	13 April 2006	Queensland	Native title exists in the entire determination area	Consent determination
Mualgal People #2	Manas v State of Queensland [2006] FCA 413	13 April 2006	Queensland	Native title exists in the entire determination area	Consent determination

Source: this information has been extracted from http://www.nntt.gov.au/ntdetermination/bydate_index.html on the [National Native Title Tribunal website](#).

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RECENT ADDITIONS TO THE AIATSIS COLLECTION CATALOGUES

Featured Native Title items in the AIATSIS Catalogue

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

Highlights from the collections this issue include sets of newsletters that contain helpful information that have just become available on MURA, an annotated database on the work of R.H. Mathews, and a debate upon the anthropologist's role in court proceedings, which are the first items listed under the Print Materials section.

Audiovisual materials:

Colour slides:

Note that some conditions apply to access these collections.

Hiatt, L. R. (Lester Richard)
Ceremonies and community activities 1958-1960.

Access: Conditions Apply

Wright, Bruce James (several collections)
Ceremony at Seven Mile Crossing. 1968.
Rock art in the Mount Bruce, Roebourne and Roy Hill map areas. 1963-1964

Rock art in the Pilbara 1963 -1964

Rock art in the Pilbara and Kimberley 1964 -1977

Rock art in the Port Hedland, Roebourne and Dampier map areas 1963 -1975

Rock art in the Pyramid and Yarraloola map areas 1963 - 1971

Rock art in the Turee Creek and Newman map areas 1966 -1981

Access: Conditions apply



Wild, Stephen
Community scenes at Laverton and ceremonies at Hooker Creek 1969-1972.
Access: Conditions Apply
Access: Some material restricted - ceremonial, gender specific

Electronic Access Database:

Thomas, Martin
The Miranen archive of R.H. Mathews (1841-1918) [electronic resource]: a database of the published papers / compiled and written by Martin Thomas. c2006.

Print materials:

Anthropology

NOTE: The first article and the following three responses by Fergie, Weiner, and Edmond deal with the Hindmarsh Island case.

Edmond, Gary
'Thick decisions: expertise, advocacy and reasonableness in the Federal Court of Australia'. In *Oceania* Vol.74, no.3 (March 2004), p.190-230

Fergie, Deane
'Reflection on 'Thick Decisions': the importance of power, privilege and textual analysis in responding to the legal colonisation of anthropology'. In *Oceania* Vol.75, no.1 (Sept. 2004), p.49-56.

Weiner, James F.
'Comments on G. Edmond, "Thick Decisions"'. In *Oceania* Vol.75, no.1 (Sept. 2004), p.58-60

Edmond, Gary
'Law and the uncooked - a reply.' In *Oceania* Vol.75, no.1 (Sept. 2004), p.60-67.

Baines, Patricia
The silence and power of women. In Brock, Peggy, ed. *Words and silences: Aboriginal women, politics and land*. Crows Nest, N.S.W: Allen & Unwin, 2001, p. 92-116.

Bell, Diane
'The word of a woman: Ngarrindjeri stories and a bridge to Hindmarsh Island.' In Brock, Peggy, ed. *Words and silences: Aboriginal women, politics and land*. Crows Nest, N.S.W: Allen & Unwin, 2001, p. 117 -138.

Brock, Peggy
'Aboriginal women, politics and land.' In Brock, Peggy, ed. *Words and silences: Aboriginal women, politics and land*. Crows Nest, N.S.W: Allen & Unwin, 2001, p. 1-17.

Goodall, Heather
' 'Speaking what our mothers want us to say': Aboriginal women, land and the Western

Women's Council in New South Wales, 1984-85.' In Brock, Peggy, ed. *Words and silences: Aboriginal women, politics and land*. Crows Nest, N.S.W: Allen & Unwin, 2001 p. 18-55.

Toussaint, Sandy, and Myrna Tonkinson, David Trigger
'Gendered landscapes: the politics and processes of inquiry and negotiating interests in land.' In Brock, Peggy. *Words and silences: Aboriginal women, politics and land*. Crows Nest, N.S.W: Allen & Unwin, 2001, p. 157-174.

Toussaint, Sandy, Patrick Sullivan and Sarah Yu.
'Water ways in Aboriginal Australia: an interconnected analysis'. In *Anthropological Forum* Vol. 15, no.1 (March 2005), p. [61]-74.

Economics and policy

Pearson, Noel
Welfare reform and economic development for Indigenous communities. St. Leonards, N.S.W: Centre for Independent Studies, 2005.

History

Amery, Rob
Sally and Harry: insights into early Kurna contact history. In Sally and Harry: insights into early Kurna contact. In *History in portraits: biographies of nineteenth century South Australian Aboriginal people*. Canberra: Aboriginal History Inc., 1998, p. [49]-87.

de Burgh, W.J.
On Australia's rim: JC de Lancourt's travels in Australia 1924-1929. Victoria Park, WA: Hesperian Press, 2006.

Byrt, Pauline
'Simon Wonga: Aboriginal leader (c. 1824-1874)'. In *Victorian Historical Journal* Vol. 76, no. 1 (April 2005), p. 3-24.

Carter, Bevan
Nyungah land: records of invasion and theft of Aboriginal land on the Swan River 1829-1850. Guildford, WA: Swan Valley Nyungah Community, [2006].

Clark, Ian D.
'Antecedent force: evidence about the Port Phillip Aboriginal Protectorate Domestic European Constabulary 1840-1843 from archival correspondence'. In *Victorian Historical Journal* Vol. 76, no. 1 (April 2005), p. 68-82.



Clark, Ian D. et. al. *Illawarra Regional Aboriginal Heritage Study. A history of Aboriginal people of the Illawarra 1770 to 1970.* Hurstville N.S.W: Dept. of Environment and Conservation, N.S.W., 2005.

Clark, Ian D.
'You have all this place, no good have children ...': Derrimut: traitor, saviour, or a man of his people? In *Victorian Historical Journal* Vol. 76, no. 2 (Oct. 2005), p. 165-179.

Clarke, Philip A.
'The Aboriginal presence on Kangaroo Island, South Australia'. In Simpson, Jane and Luise Hercus, eds. *History in portraits: biographies of nineteenth century South Australian Aboriginal people.* Canberra: Aboriginal History Inc., 1998, p.14-48.

Gara, Tom
'The life and times of Mulla Wirraburka ('King John') of the Adelaide tribe'. In Simpson, Jane and Luise Hercus, eds. *History in portraits: biographies of nineteenth century South Australian Aboriginal people.* Canberra: Aboriginal History Inc., 1998, p. [88]-132.

Goodall, Heather
'Speaking what our mothers want us to say': Aboriginal women, land and the Western Women's Council in New South Wales, 1984-85'. In Brock, Peggy, ed. *Words and silences: Aboriginal women, politics and land,* Crows Nest, N.S.W. : Allen & Unwin, 2001, p. 18-55.

Hammond, J. E. (Jesse E.),
Winjan's people: the story of the South-West Australian Aborigines / by J.E. Hammond; edited by Paul Hasluck. Victoria Park, W.A.: Hesperian Press, 2005.

Morey, Stephen
'The place names and words collected by Phillip Chauncy: a linguistic examination'. In *Victorian Historical Journal* Vol. 76, no. 2 (Oct. 2005), p. 180-198

Russell, Peter H.
Recognizing aboriginal title: the Mabo case and Indigenous resistance to English-settler colonialism. Toronto; London: University of Toronto Press, c2005.

Shoobert, J., principal editor.
Western Australian exploration. Volume one, December 1826-December 1835: the letters, reports & journals of exploration and discovery in Western Australia. Carlisle, W.A.: Hesperian, 2005.

Human rights

McGlade, Hannah
'Aboriginal women and the Commonwealth Government's response to Mabo - an international human rights perspective.' In Brock, Peggy, ed. *Words and silences: Aboriginal women, politics and land.* Crows Nest, N.S.W.: Allen & Unwin, 2001, p. 139-156.

Legal issues and case studies

Atkinson, Wayne
'Mediating the mindset of opposition: the Yorta Yorta case'. In *Indigenous Law Bulletin.* Vol. 5, no.15 (Feb. - Mar. 2002), p. 8-11.

Burke, Paul
'What judges really do: comprehensive explanation and the limits of agency.' In *Oceania* Vol.75, no.1 (Sept. 2004), p.56-58.

Edney, Richard.' The importance of Indigenous stories: the Victorian implementation review of the recommendations from the Royal Commission into Aboriginal Deaths in Custody'. In *Indigenous Law Bulletin.* Vol. 6, no. 16 (Dec. - Jan. 2006), p. 17-20

Hands, Tatum
'Recognition of customary law in WA: Law Reform Commission discussion.' paper. In *Indigenous Law Bulletin.* Vol. 6, no. 16 (Dec. - Jan. 2006), p. 3

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Aboriginal customary laws. Perth: Law Reform Commission of Western Australia, 2005-2006.

Levy, Ron
Case note: the Kenbi land claim: Aboriginal Land Commissioner Justice Gray, Kenbi (Cox Peninsula) Land Claim No. 37, 12 December 2000 - 2002. In *Indigenous Law Bulletin.* Vol. 5, no.15 (Feb. - Mar. 2002), p. 12-13.

Ogle, Greg
Just when you thought it was safe to talk about Hindmarsh Island. In *Indigenous Law Bulletin.* Vol. 5, no.15 (Feb. - Mar. 2002), p. 16-18.

Western Yalanji native title determination: what it means and how it will work. [Cairns, Qld]: National Native Title Tribunal, c2006

University of New South Wales. Faculty of Law
'Wik, the aftermath and implications'. Sydney, NSW: *University of New South Wales Law Journal,* Faculty of Law, 1997.



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Indigenous dispute resolution and conflict management. Barton, A.C.T.: NADRAC, 2005

Kelly, Loretta

Recent developments in NSW in Aboriginal family. In *Indigenous Law Bulletin*. Vol. 5, no.15 (Feb. - Mar. 2002), p. 14-15.

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All: Perth, W.A.: Research Unit, National Native Title Tribunal

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Kangoulu & Ghungalu people: Queensland (1999, c2003)

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Victoria. Ministry of Aboriginal Affairs. Australia. Dept. of Aboriginal Affairs. Victorian Office.

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WHAT'S NEW WITH THE NTRU

STAFFING

Ms Jessica Weir joined the NTRU as Conference Co-ordinator in March. Jessica is taking a three month break from her PhD which she is completing at the Centre for Resource and Environmental Studies at The Australian National University. Jessica's PhD thesis 'Cultural Flows: Negotiating Indigenous relationships with the Murray River' engages with the recognition of the cultural identity of the traditional owner in the management of water in the Murray Darling Basin. This project is supported by a research agreement with the Murray Lower Darling Rivers Indigenous Nations (MLDRIN). Prior to commencing her PhD, Jessica worked for the NTRU for three years so will be a familiar face to many of you who join us in Darwin for the Native Title Conference 2006. Jessica will be with the Unit until 30 June 2006.

Mr Adam Shipp who was working as our part-time Administrative Assistant succeeded in getting a traineeship in the Audio Visual Archives of AIATSIS. Adam finished up with the NTRU at the end of March 2006.

Ms Amy Williams replaces Adam as the NTRU's part-time Administrative Assistant commencing 20 April 2006.

Ms Donna Oxenham and Mr Glen Kelly have returned to Western Australia. Donna is completing her work on the PBC research project over the next couple of weeks and Glen completed his 12 month Visiting Research Fellowship in April 2006. Glen will be taking on the role of Chief Executive Officer at the South West Aboriginal Land and Sea Council.

Ms Angela Philp, who has recently submitted her PhD in Interdisciplinary Cross-Cultural Research, at the Humanities Research Centre, Australian National University (her dissertation was titled 'Museums and the public sphere in Australia: between rhetoric and practice'), is working part-time on NTRU publications while

Project Officer Lara Wiseman is on maternity leave.

RESEARCH PROJECTS

Tran Tran is currently undertaking a Report on Native Title State Connection Requirements. The Native Title Research Unit is researching State-based native title connection frameworks as a key project for 2005-2006. This is a qualitative research project aimed at exploring the views of key stakeholders involved in claims management. The emphasis of the project is to explore the ways in which the guidelines can be made more effective for all relevant stakeholders. In order to understand this further the project is directed towards looking at how the guidelines operate in practice, receiving comment on any current flaws and possibly suggest ways in which they can be improved.

Grace Koch, Native Title Research and Access Officer, visited the Kimberley Land Council and Native Title Services, NSW, as part of the Future of Connection Materials project. She discussed aspects of ownership, intellectual property, dissemination and conservation of material generated as part of the native title process and plans for future storage of information. There will be a session on the project and issues arising at the Native Title Conference in Darwin. For more information see http://ntru.aiatsis.gov.au/collections/connection_material.html.

Native Title Representative Bodies will have received a mailout with information on the Community Heritage Grant Scheme, which provides grants up to \$10,000 for conservation and assessment of collections. See <http://www.nla.gov.au/chg/> for details and application forms.

WORKSHOPS

The comprehensive agreements workshop convened by Ms Krysti Guest and scheduled for late March was postponed until early May 2006.



The workshop was part of the AIATSIS research project into comprehensive agreements concerning native title and related issues.

The aim of the agreements project is broadly two fold:

- to assess the role of 'comprehensive agreements' and 'alternative settlements' in Australia in expeditiously progressing indigenous and government aspirations concerning native title and related issues; and
- to identify agreed principles, aims and benchmarks (in relation to both process and outcomes) for comprehensive agreements in Australia in order to assist NTRB/NTSs and governments and in the future negotiation of such agreements.

The project is therefore focused on practical outcomes.

The workshop was part of the 'active' research and included principals, governments, experts and relevant institutions (such as the Federal Court and the NNTT). The first day was for the Indigenous principals of the three agreements, their negotiating teams and invited experts to discuss common and different views on and experiences of agreement making; the second day was for all invited participants to enable informed dialogue to the principles, aims and benchmarks of comprehensive agreements, using the outcomes of Day 1 as a starting point.

NTRU RESEARCH & ACCESS SERVICE

Native Title Research and Access Officer, Ms Grace Koch has assisted visitors from Native Title Services Victoria and Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation to identify and locate relevant items held in the AIATSIS library and Audio Visual Archive collections. During April Grace visited the Kimberley Land Council as part of the Future of Connection Materials project.

She discussed aspects of ownership, intellectual property, dissemination and conservation of material generated as part of the native title process and plans for future storage of information. For more information on the project, see

http://ntru.aiatsis.gov.au/collections/connection_material.html.

Native Title Representative Bodies will have received a mailout with information on the Community Heritage Grant Scheme, which provides grants up to \$10,000 for conservation and assessment of collections. See <http://www.nla.gov.au/chg/> for details and application forms.

Hard copies of all NTRU Issues papers are available. The list of papers is available on the NTRU website on http://ntru.aiatsis.gov.au/publications/issue_papers.html.

IFAMP Evaluation Toolkit

The draft *Evaluation Toolkit: Training and Service Delivery in Decision-Making and Dispute Management Processes in Native Title* prepared by Social Compass is currently being edited by IFaMP following a review and re-drafting.

Training

Toni Bauman attended a one day workshop in Sydney convened by Resolve Advisors entitled 'Polishing the Mirror: self-awareness as a tool for group process.' Toni's attendance supported one of IFaMP's aims – to identify and develop the necessary skills for professionals working in decision-making and agreement building processes.

National Network of Indigenous Facilitators and Mediators

A number of participants in IFaMP's October 2005 Indigenous Facilitators and Mediators Workshop have written to Federal, State and Territory Government Ministers and Shadow Ministers of Indigenous/Aboriginal Affairs, heads of Departments of Indigenous Affairs, Attorneys-General and others seeking support for the establishment of a national network of Indigenous facilitators and mediators. The letters have been accompanied by IFaMP's October workshop report (*Making a Difference: towards establishing national networks of Indigenous process experts in a whole-of-government approach*) and background papers prepared for the workshop. A number of supportive responses have been received and are being considered in relation to IFaMP's future beyond the June 2006, when Stage 1 of this 3 year project concludes.

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ABOUT THE NATIVE TITLE RESEARCH UNIT

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