



Native Title Newsletter

Nov/Dec 2005

No. 6/2005

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WHAT'S NEW WITH THE NTRU!

- Visit the new [AIATSIS website](#)
- First positive determination of native title in Victoria!
- Bardi Jawi fully determined

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

BREAKING NEWS

First recognition of native title in Victoria

On 13 December the Federal Court recognised native title in the Wimmera region of Victoria through a consent determination of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk claims. This is the first positive determination of native title to have been made in Victoria. The decision comes after the Federal and High Courts' decision that the Yorta Yorta people did not hold native title and offers hope for a positive determination of native title to traditional owners in the rest of Victoria and other parts of densely populated Australia. The Federal Court's determination was made with the consent of all stakeholders, including the State and Commonwealth Governments, farmers, recreational users and other respondents. The decision settled three native title claims that had been lodged over 9,642 sq km in the Wimmera region between 1995 and 1999. Over 400 parties agreed to the determinations and an agreement package that delivers benefits to the native title holders. The Court also recognised the claimants' non-exclusive native title rights to hunt, fish, gather and camp in the Crown reserves that total 269 sq km along the banks of the Wimmera River. Native title will not be recognised over the remainder of the claim areas. However, due to the agreement package, the native title holders will have other rights and benefits in these remaining areas. See our [Feature](#) for a discussion of the decision by the claims' instructing solicitor, Katie O'Bryan of Native Title Services Victoria.



Left - Right: Suzie Skurrie, Aunty Hazel McDonald, Aunty Irene Harrison, Justice Merkel, Aunty (Professor) Eleanor Bourke, Kaylene Clarke and Uncle Peter Murtikos

Native Title System Reforms

Time is running out to lodge submissions regarding the proposed reforms to the native title system. Visit the Attorney-General's website at www.ag.gov.au/nativetitlesystemreform for current information regarding:

- The release of a discussion paper about proposals for technical amendments to the Native Title Act 1993 (22 November) - the discussion paper is available at <http://www.ag.gov.au/nativetitlesystemreform> or by contacting the Attorney-General's Department Native Title Unit on (02) 6250 5552. Responses are requested by 31 January 2006.
- The release of a consultation draft of proposed guidelines for the Native Title Respondents' Financial Assistance Scheme to strengthen the focus of the scheme on agreement-making over litigation (23 November) - the consultation draft is available at <http://www.ag.gov.au/nativetitlesystemreform> and submissions are requested before 10 February 2006.
- On 23 November Minister Vanstone announced proposed reforms to Native Title Representative Bodies - further information is available at <http://www.oipc.gov.au>

As part of the reforms, the Australian Government is currently undertaking targeted consultations with a range of stakeholders about native title Prescribed Bodies Corporate (PBCs). Interested stakeholders can contact the Attorney-General's Department Native Title Unit on (02) 6250 5552 or native.title@ag.gov.au <<mailto:native.title@ag.gov.au>> for more information.

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FEATURE

The Tide Has Turned – The Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Consent Determination

Katie O'Bryan

Katie O'Bryan works at Native Title Services Victoria and was the instructing solicitor on the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk native title claim from April 2004 when she commenced work at NTSV. Prior to that she worked at the Goldfields Land and Sea Council in Western Australia and was the instructing solicitor on the Wongatha native title claim. During this time she has also been undertaking (and has just completed the requirements for) a Master of Laws in Environmental Law, focusing on indigenous issues.

On the 13th December 2005, the first positive determination of native title in Victoria was handed down by Justice Merkel. This determination was made by consent in favour of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk peoples. As noted by Merkel J, it is significant as it demonstrates the fact that:

“the ‘tide of history’ has not ‘washed away’ any real acknowledgement of traditional laws and any real observance of traditional customs by the applicants and has not, as a consequence, resulted in the foundation of their native title disappearing.”¹

The terms of the settlement involve a determination which recognises native title rights to hunt, fish, gather and camp for personal, domestic, and non-commercial communal needs along approximately 153km of the length of the Wimmera River (approximately 269 km sq), and a determination that native title does not exist over the remainder of the claim area.

In addition, the settlement of the claim involves the transfer in freehold of 3 parcels of culturally significant land to the native title holders, consultation rights in approximately 30% of the original claim area, being an area in which the native title holders have a close cultural connection (the core area), co-operative management arrangements in various state forests and national parks within the core area (amounting to approximately 20% of the original

claim area), funding for a cultural/community centre, and importantly, funding for the administration and operation of a Prescribed Body Corporate.

However this consent determination was a long time coming, and encountered many hurdles along the way.

The main Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk native title claim was first lodged in 1995. At that time, it was known simply as the Wotjobaluk claim. Although the claim's external boundary encompassed a large area in the Wimmera region (estimated to be 15% of the State), the claim only related to Crown lands and waters within that boundary. Thus the claim itself encompassed only around 4-5% of the State. The claim was bounded in the west by the South Australian border, Ouyen in the north-east and Ararat in the south-east. A couple of smaller associated claims were lodged in 1997 and 1999. Following amendments to the *Native Title Act* in 1998, the claims were accepted for registration, the main claim being referred to mediation in September 1999.

Following a number of years of intense negotiations with the Victorian Government, an in-principle agreement to settle the claim was reached in October 2002. After the in-principle agreement had been reached with the State Government, it was then necessary to get all of the other respondent parties (of which there were over 400) on board.

It took a further year of mediation before the Commonwealth Government agreed to lend its support to the in-principle agreement, which eventually occurred in November 2003. Once the Commonwealth Government had indicated that it would support the proposed Consent Determination, the other respondents gradually fell into line.

During this time, the Representative Body and legal representative for the claim, Mirimbiak Nations, had its Rep Body status withdrawn. Its replacement, Native Title Services Victoria, took over the role as the claimants' legal representative in August 2003.

Even once agreement in-principle was reached with all parties, the preparation of the documentation took up a substantial amount of time and resources. Draft documents were constantly going back and forth between the legal representatives of the parties for further comments and redrafting.

¹ *Clarke on Behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v Victoria* [2005] FCA 1795, [11].



In tandem with this process, the claimant group itself had to sort out numerous issues with neighbouring claimant groups, and with various subgroups within the claim itself. Many meetings were held to identify the issues and to facilitate discussion and resolution. The claim was then amended in April of 2005 to reflect the outcomes of those meetings. These amendments included a reduction in the area of the claim, an amendment to the claim group description, and an amendment to the name of the claim to more accurately reflect the subgroups within the claim. The resolution of the intra-indigenous issues also involved a restructuring and renaming of the organization which was proposed to be the Prescribed Body Corporate. This organization, the Barengi Gadjin Land Council, was incorporated in its restructured form on 16th March 2005.

By mid-March 2005, the consent determination documents and associated agreements were in substantially final form, and at a meeting on the 19th March 2005, the claimants authorised all of the documentation involved in the settlement of the claim.

On the 15th July 2005, the first of the agreements, an Indigenous Land Use Agreement (ILUA), was signed by the registered native title claimants, the Barengi Gadjin Land Council, the State Government and the Commonwealth Government. After the conclusion of the statutory three month notification period, the ILUA was finally registered on 11th November 2005. The registration of the ILUA was a significant step in the process leading to the Consent Determination, as registration of the ILUA had been made a condition precedent to the signing of the Consent Determination orders.

By the 24th November 2005, all of the parties had signed the proposed minute of Consent Orders, which were then filed with the Court in anticipation of the hearing.

The Consent Determination hearing was held on 13th December 2005 before Justice Merkel of the Federal Court. It was held on-country at Horseshoe Bend, located in the Little Desert National Park on the banks of the Wimmera River near Dimboola. The hearing was attended by the claimants, the Victorian Attorney-General, the Minister for Aboriginal Affairs, the President of the National Native Title Tribunal and numerous other invited guests. However it was unfortunate that the most senior member of the claim group (and a

registered native title claimant), William ("Uncle Jack") Kennedy, had passed away only a few months before the hearing of the Consent Determination.

But, as Merkel J noted in his judgement, Uncle Jack, despite not being there to see the Consent Determination handed down:

"had, in a practical sense, achieved 'what the elders expected of [him]' by, as was stated in his eulogy, 'fighting for this little piece of country for his ancestors and for future generations."

That Uncle Jack did not live to see the Consent Determination being handed down is one of the major regrets of the lengthy process taken to achieve recognition under the *Native Title Act 1993*. Sadly, it is a situation that is not unique to this claim.

Like all claims settled by agreement, the WJJWJ determination involved compromise, and it is the traditional owners who have borne the brunt of that compromise. As one of the senior elders noted in her speech to the crowd assembled at the hearing:

"We have made a very big compromise to you Europeans within a system that is your own, not ours."

In an imperfect system we are forced to trade off, agree over long disputed boundaries. We do this because we believe in a future for our children. Our past gives us this strength."

We will never give up our identity, histories and cultures as long as one of us lives and breathes, however there is a terrible trade off in terms of gaining realistic resource outcomes and cultural capacity for our endeavours."

However notwithstanding the compromises involved, this determination has shown that despite the devastating impact of the High Court's decision in *Yorta Yorta*,² there is still scope for native title to be recognized in Victoria.

The Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk peoples, throughout their ten year struggle for recognition, showed enormous

² *Members of the Yorta Yorta Aboriginal Community v Victoria* [2002] HCA 58



strength, patience and persistence, and in doing so managed to succeed against the odds. As a result, not only did they achieve a positive determination of native title for their people, but:

*"Uncle Jack Kennedy and his supporters have demonstrated something of even greater importance, namely, that the tide of history has not washed away all entitlements to native title in the South-Eastern part of Australia."*³

Hopefully the tide has turned.

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WHAT'S NEW

Legislation

NTA Reforms

Information about the proposed NTRB reforms is available at the OIPC website at http://www.oipc.gov.au/NTRB_Reforms/QA_NT_RBarrange.asp [Questions and Answers - Changes to Native Title Representative Body \(NTRB\) Arrangements](#)

Attorney-General's Dept. Claims Resolution Review homepage (Review to improve the Resolution of Native Title Claims) Just added: [Guide to Making Submissions To The Claims Resolution Review](#) Please visit <http://www.ag.gov.au/agd/WWW/agdHome.nsf/Page/RWP4DD89B50F9EB64A8CA2570A> for more information.

See also the [Attorney-General's](#) site at <http://www.ag.gov.au/nativetitlesystemreform> for:

Technical amendments to the Native Title Act 1993 Discussion Paper; and Guidelines on the provision of financial assistance by the Attorney-General under the Native Title Act 1993: Consultation draft

Other

[Aboriginal Heritage Bill \[FINAL\] Exposure Draft/Victoria](#) is available for download from http://www1.dvc.vic.gov.au/aav/heritage_bill/Final%20Exposure%20Draft%20for%20distribution%20071005.pdf

Recent Cases: Australia

[Sampi v State of Western Australia \(No 3\) \[2005\] FCA 1716](#) ABORIGINES – native title

determination – final determination following contested proceedings – determination covering mainland area, offshore intertidal zone and adjacent reefs and islets

[Wakka Wakka People # 2 v State of Queensland \[2005\] FCA 1578](#) The application to be joined as a party in these proceedings be dismissed.

[Henry & Ors v Shellharbour City Council & Ors \[2005\] NSWLEC 600](#)

Aboriginal :- whether alleged disturbance of artefacts amounts to a breach of the National Parks and Wildlife Act - not proved

[Sampi v State of Western Australia \(No 2\) \[2005\] FCA 1567](#)

French J, 4 November 2005, Perth. NATIVE TITLE - determination of native title rights and interests - application for joinder of additional respondents post-hearing and judgment - application for separate and additional determination posthearing: proposed terms of draft determination - definition of Determination Area - offshore areas; intertidal zone - areas beyond intertidal zone; definition of native title rights and interests; definition of other interests.

[Clarke on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v State of Victoria \[2005\] FCA 1795 \(13 December 2005\)](#)

FEDERAL COURT OF AUSTRALIA
Clarke on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v State of Victoria [2005] FCA 1795

[Walker \(Eastern Ku - Ku Yalanji People\) v State of Queensland \[2005\] FCA 1517](#)

Allsop J, 2 November 2005, Sydney. From the judgment: " On 20 September 2005, I published my provisional views in reasons for judgment on a notice of motion brought by Rodney George Parker to be joined as a party to these proceedings under s 84(5) of the Native Title Act 1994 (Cth) (the "Act").

[Peter Hillig in his capacity as administrator of Worimi Local Aboriginal Land Council v Minister for Lands for the State of New South Wales \[2005\] FCA 1712](#)

Bennett J, Sydney, 28 November 2005. NATIVE TITLE – non-claimant application – unopposed – no native title exists in relation to the land

[Peter Hillig in his capacity as administrator of Worimi Local Aboriginal Land Council v](#)

³ *Clarke on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v Victoria* [2005] FCA 1795, [12] (Merkel J).

[Minister for Lands for the State of New South Wales \[2005\] FCA 1713](#)

Bennett J, Sydney, 28 November 2005. NATIVE TITLE – non-claimant application – unopposed – no native title exists in relation to the land

[Little and Others on behalf of the Badimia People v Oriole Resources Pty Ltd \[2005\] FCAFC 243](#)

French, Stone & Siopis JJ, 5 December 2005, Perth. NATIVE TITLE – future acts – act attracting the expedited procedure – grant of Miscellaneous Licence: whether an act 'likely to involve major disturbance to any land or waters concerned'; whether likely to 'create rights whose exercise is likely to involve major disturbance to any land or waters predictive assessment of likely major disturbance required; Tribunal proceeding on assumption that rights granted under Miscellaneous Licence could be exercised to full; construction unduly favourable to appellants; Tribunal finding no likelihood of major disturbance – erroneous finding; evaluative judgment; court in position to make substituted judgment; on predictive assessment no major disturbance likely; appeal dismissed

[Henry & Ors v Shellharbour City Council & Ors \[2005\] NSWLEC 600](#)

Aboriginal :- whether alleged disturbance of artefacts amounts to a breach of the National Parks and Wildlife Act - not proved

(Sourced from NNTT Judgements and Information email alert service)

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Publications

AIATSIS

Native title-holding groups and native title societies: Sampi v State of Western Australia [2005] by Dr Lisa Strelein. Land, Rights, Laws: Issues paper No. 4, Volume 3.

This paper is available for free download at <http://ntru.aiatsis.gov.au/ntpapers/ip03v4.pdf>

Aboriginal Studies Press

Hocking, Barbara Ann (editor) *Unfinished constitutional business?: rethinking indigenous self-determination* Canberra: Aboriginal Studies Press, c2005

Aboriginal Studies Press Aboriginal Studies Press invites you to visit http://www.aiatsis.gov.au/aboriginal_studies_press where you can order copies of ASP titles,

read about the latest news and events, and Join Our Mailing List.

ISBN 0 85575 467 2, pb, 210x150mm, 48 pp, b/w &

Other

[Australian Indigenous Knowledge and Libraries](#), edited by Prof Martin Nakata & Prof Marcia Langton, has now been published by the Australian Academic and Research Libraries as AARL, Vol. 36, No. 2, June 2005; vi + 216pp; ISBN 086804 563 2 & ISSN 0004-8623; price AUD29.95. Copies can be purchased from: Australian Library and Information Association Ltd.

PO Box 6335
Kingston, ACT, 2604

Australia

Email: enquiry@alia.org.au

This book is an outcome of the Libraries and Indigenous Knowledge Colloquium held at the State Library of New South Wales in December 2004.

Gibson, Johanna: *Community resources: intellectual property, international trade and protection of traditional knowledge* Burlington, VT: Ashgate, c2005

Guttman, Daniel. *Australian and Canadian approaches to native title pre-proof*. Australian Indigenous Law Reporter Vol. 9. no. 3. 1 October 2005

Hunter, Rosemary and Mary Keyes eds. *Changing law : rights, regulation, and reconciliation* Hants, England ; Burlington, VT: Ashgate, c2005

Lea, Tess, Emma Kowal and Gillian Cowlshaw eds. *Moving Anthropology: Critical Indigenous Studies*. Charles Darwin University Press.

[Macquarie Atlas of Indigenous Australia](#). Both authoritative and accessible, the Macquarie Atlas of Indigenous Australia is the first of its kind. An electronic version of a selection of the maps, allowing interactive use, will be available on MacquarieNet at www.macquarinet.com.au

Muecke, Stephen *Textual spaces: aboriginality and cultural studies* Perth, W.A. : API Network, Australian Research Institute, Curtin University of Technology, 2005

New South Wales Aboriginal Land Rights Act Review Task Force *Review of the Aboriginal Land Rights Act 1983 Issues paper 2: Structure, representation, governance and*



benefits Surry Hills, N.S.W Office of the Registrar, 2005

Sutton, Peter: *Social scientists and native title cases in Australia* Public Archaeology Vol 4 2005

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Online Publications

CAEPR

277/2005 [Tracking change in the relative economic status of Indigenous people in New South Wales](#) J. Taylor Since its formation in 1990, CAEPR has produced a series of research papers tracking progress in the relative economic status of Indigenous people in New South Wales using mostly census data. Viewed in sequence, the findings have indicated a rise over time in the Indigenous employment rate and a slight decline in the unemployment rate, but with both of these remaining substantially below equivalent rates for the State's non-Indigenous population. This paper can be downloaded from:
<http://www.anu.edu.au/caepr/277>

278/2005 [Capacity development in the international development context: Implications for Indigenous Australia](#) J. Hunt Capacity development has become a key concept in international development in recent years. Older approaches involving technical cooperation, in which knowledge and skills were to be transferred to developing countries, have been unsuccessful. In contrast capacity development is viewed as an endogenous process within organisations and communities which are themselves embedded in wider systems. Understanding the features of these systems which might support rather than inhibit capacity development is therefore important. This paper can be downloaded from
<http://www.anu.edu.au/caepr/277>

National Native Title Tribunal

[Native Title Hot Spots Issue 16](#) includes summaries of cases about:

- * the appeal in the Murchison Davenport case
- * the determination of native title in the Blue Mud Bay claim
- * authorisation of the applicant in a claimant application
- * an interim decision in the Rubibi case on communal v group native title
- * what constitutes a 'major disturbance' in expedited procedure matters
- * future act determinations dealing with questions of consent. This newsletter can be downloaded from:

<http://www.nntt.gov.au/newsletter/hotspots/issues/16.html>

[NNTT Indigenous Fishing Bulletin November 2005](#) This bulletin can be downloaded from
<http://www.nntt.gov.au/media/Projects.html>

[Guide to future act decisions made under the Commonwealth right to negotiate scheme as at 30 September 2005](#) Compiled by Deputy President of the National Native Title Tribunal, the Hon. C.J. Sumner. This guide can be downloaded from:
<http://www.nntt.gov.au/facasesguide/index.html>

Talking Native Title

Produced quarterly, *Talking Native Title* presents the latest news from the Tribunal and includes current events, latest agreements, emerging issues for all stakeholders and updates about Tribunal services and staff. Added to the national issues are region-specific information updates ('extras'). [December 2005](#) and [South Australia extra](#) These publications can be downloaded from:
<http://www.nntt.gov.au/publications/newsletters.html>

[What's New in the Library, Issue 12](#), December 2005. This bulletin can be downloaded from
http://www.nntt.gov.au/Library/files/Library_Bulletin_Dec_2005.pdf

NNTT Annual report 2004–2005

The Annual Report 2004–2005 has been tabled in Parliament and contains detailed advice on the Tribunal's financial performance, accountability to clients, mediation, arbitration, assistance and other statutory functions. The NNTT Annual Reports can be downloaded from
http://www.nntt.gov.au/publications/annual_reports.html

Human Rights and Equal Opportunity Commission

[Rights of Passage: A Dialogue with Young Australians about Human Rights](#)

Human Rights and Equal Opportunity Commission, Sydney, November, 2005. This report is available from:
http://www.humanrights.gov.au/human_rights/rights_of_passage/download/

['Voices of Australia' - The Good And Bad Faces Of Race Relations In Australia Over The Past 30 Years](#) 31 October 2005 Acting Race Discrimination Commissioner Tom Calma and the Attorney-General, The Hon. Philip Ruddock MP, launched the 'Voices of Australia' project in Canberra to mark the 30th anniversary of the



Racial Discrimination Act - Australia's first anti-discrimination law.

Visit: <http://www.humanrights.gov.au/voices/index.html> to download.

HREOC Race Discrimination Commissioner: [Face the Facts - countering myths about refugees, migrants and Indigenous people 2005 edition](#). This report can be downloaded from: http://www.humanrights.gov.au/racial_discrimination/face_facts/

Jumbunna Indigenous House of Learning

McCausland, Ruth: [Briefing Paper No. 3: The 'New Mainstreaming' of Indigenous Affairs](#) December 2005 Ngiya Institute for Indigenous Law, Policy and Practice, Jumbunna Indigenous House of Learning, University of Technology, Sydney The paper is available online at:

http://www.jumbunna.uts.edu.au/news/downloads/mainstreaming_05.pdf

McCausland, Ruth: [Negotiating Shared Responsibility Agreements: A Toolkit](#) December 2005 Ngiya Institute for Indigenous Law, Policy and Practice. The paper is available online at: <http://www.jumbunna.uts.edu.au/details.html?ItemID=2861&ItemDate=2006-01-13>

Government Publications

[Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005 Parliament of Australia Department of Parliamentary Services Parliamentary Library. Information analysis and advice for the Parliament](#) 30 November 2005, no. 67, 2005-06, ISSN 1328-8091 Moira Coombs, Law and Bills Digest Section. This report can be downloaded from: <http://www.aph.gov.au/library/pubs/bd/2005-06/06bd067.pdf>

Australian Institute of Health and Welfare. [Commonwealth-State Housing Agreement National Data Reports 2004-05 : state owned and managed Indigenous housing](#). Canberra: AIHW. 14 December 2005. This report can be downloaded from: <http://www.aihw.gov.au/publications/index.cfm/title/10183>

Australian Public Service Commission. [State of the Service Report 2004-05](#). Canberra : APSC. 28 November 2005. This paper can be downloaded from: <http://www.apsc.gov.au/stateoftheservice/0405/index.html>

Australian Securities and Investment Commission: [Dealing with bookup: a guide](#)

2005. This paper can be downloaded from: <http://www.fido.gov.au/bookup>

[Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Account 21 November 2005 Transcript of the public hearing in Brisbane](#); witnesses were: Russell Bellea, Charles Budby, Martin Dore, David Galvin, Tony Johnson, Graeme Neate, Marnie Parkinson, Trevor Robinson, Peter Whalley, Murrandoo Yanner, and Justine Yanner. The transcript can be downloaded from <http://www.aph.gov.au/hansard/joint/commtee/J8919.pdf>

Senator Amanda Vanstone: [Address](#) to Australia and New Zealand School of Government, ANU Canberra - 7 December 2005. This speech is available from: http://www.atsia.gov.au/media/speeches/07_12_2005_ANZSOG.htm

Other

[2004-2005 Review Of The Aboriginal Land Rights Act 1983 Issues Paper 2: Structure, Representation, Governance And Benefits](#). Prepared for the New South Wales Aboriginal Land Rights Act Review Task Force 9 November 2005. The review can be downloaded from: <http://www.alc.org.au/news/ala/>

No. 19: [Deaths in custody in Australia : National Deaths in Custody Program annual report 2004](#) Jacqueline Joudo and Marissa Veld. Australian Institute of Criminology, 2005. This paper can be downloaded from: <http://www.aic.gov.au/publications/tbp/tbp019/tbp019.pdf>

Democratic Audit. The Political Science Program in the Australian National University's Research School of Social Sciences is conducting an Audit to assess Australia's strengths and weaknesses as a democratic society. Recent contributions include Larissa Behrenht on ['The End of ATSIC'](#) Visit <http://democratic.audit.anu.edu.au/> for more information.

[Traditional Knowledge Recording Project](#) Balkanu Cape York Development Foundation. Visit this website at <http://www.tkrp.com.au/>

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Upcoming Events

[The Makers and Making of Indigenous Australian museum collections](#)



Thursday 9 February to Saturday 11 February 2006, Melbourne Museum. For more information visit the website at: <http://www.museum.vic.gov.au/whatson/show.asp?ID=562031&venue=1000&type=101>

24-25 February 2006: [Rhizomes: Re-Visioning Boundaries a conference for postgraduates](#), University of Queensland For more information visit the website at: http://www.uq.edu.au/slccs_postgradconf/index.html

26 Feb 2006 [Sharing the Fish - Allocation Issues in Fisheries Management](#) Fremantle Australia. For more information visit the website at: <http://www.fishallocation.com/>

27-30 September, 2006 AAS Annual Conference 2006 Beyond Science and Art: Anthropology and the Unification of Knowledge James Cook University, Queensland, Australia. For more information contact the AAS at: <http://www.aas.asn.au/default.htm>

20 Apr 2006 [Community Development in a 'Global Risk Society'](#) Deakin University, Melbourne, Australia. For more information visit the website at: <http://www.deakin.edu.au/arts/cchr/CD/>

15-18 August 2006 [The International Conference on the Arts in Society](#) The University of Edinburgh, Scotland. To be held in conjunction with the Edinburgh International Arts Festivals, the conference will include leading artists, arts practitioners and theorists through paper presentations, workshops and colloquia. The conference venue, the University of Edinburgh, is located near the heart of the various Edinburgh Festival activities. For more information visit the website at: <http://a06.cgpublisher.com/welcome.html>

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Opportunities

Call for Papers: [The International Conference on the Arts in Society](#) The University of Edinburgh, Scotland, 15-18 August 2006. To be held in conjunction with the Edinburgh International Arts Festivals, the conference will include leading artists, arts practitioners and theorists through paper presentations, workshops and colloquia. The conference venue, the University of Edinburgh, is located near the heart of the various Edinburgh Festival activities. For more information visit <http://arts-conference.com/>

Call for papers: "Africa's Indigenous Science and Knowledge Systems" Location: Nigeria October 24th -27th, 2006. Deadline for abstract is April 28, 2006. Full paper should be submitted by September 29th. Venue of the conference is Nasarawa State University, Keffi, Nigeria. Keffi is about 45 minutes drive from Abuja, the national capital of Nigeria. Registration for foreign participants is \$100 and participants from Africa is N5000. All correspondence should be directed to: Adayi Onoja, Secretary, Local Organizing Committee. E-mail conferenceoctober@yahoo.com

Call for papers: [Empowering Individuals and Families in the Human Services](#) National Policy Conference Melbourne 16/17 May 2006 Abstracts of 200 words are invited for papers and other presentations for the SEP National Policy Conference on Empowering Individuals and Families in the Human Services, Darebin Arts and Entertainment Centre, Melbourne, on 16/17 May 2006. For more information visit: <http://www.partnerships.org.au/PolicyConference2006.htm>

Call for Proposals: The Centro Incontri Umani, in Ascona, Switzerland, seeks to encourage understanding, respect and peace internationally through cross-cultural and collaborative thought on significant aspects of human experience. A new residency fellowship is being offered for 2006-2007 at the Centro's 19th century villa in Ascona, on Lake Maggiore, on the border between Switzerland and Italy. Scholars from the humanities, arts and social sciences are primarily welcomed. A travel stipend, October to May lodging in a comfortable apartment in the villa, and a fellowship of \$20,000 will be offered. Full details are available from Laura Simona Email: giovanni.simona@aspti.ch

The Foundation for Young Australians is calling for applications from young Indigenous Australians for the Indigenous Youth Leadership Programme (IYLP). The IYLP is a new national initiative funded by the Australian Government Department of Education, Science and Training (DEST) that will offer up to 250 scholarships and leadership opportunities during 2006-2009 to young Indigenous Australians aged 12-25 undertaking secondary or tertiary studies within Australia. The IYLP is aimed at creating opportunities for young Indigenous people generally from remote



communities who have demonstrated potential leadership capability and want to develop their leadership skills with the support of both family and community. The first five Indigenous young people who will receive tertiary scholarships will be selected in March 2006. The tertiary scholarships will offer \$6000 per year to cover costs such as tuition, course fees and educational resources required for Indigenous tertiary students. A National Indigenous Advisory Committee will work with The Foundation for Young Australians on processes for the selection of IYLP scholars. Potential applicants can find out more by logging onto <http://www.youngaustralians.org.au> or by calling 03 9670 5436 or 1800 252 316. Applications close Friday 20th February 2006.

Call for Papers: Health Outcomes 2006: Managing health and disease in today's society 12th Annual National Conference. 9 - 10 August 2006, Rydges Lakeside, Canberra, Australia. For more information visit: <http://www.uow.edu.au/commerce/ahoc/upcomingconference.html>

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Employment AIATSIS

Finance Officer
APS 3/4 Non-Ongoing commencing asap
\$39,850 - \$48,224
Classification: APS3/4
Program: Corporate Services
Local Title: Finance Officer
Supervisor: Business Manager
For duty statement and selection criteria please visit the AIATSIS website or contact Jeff Hobson on ext. 138 (6246 1138), email jeff.hobson@aiatsis.gov.au.
Written expressions of interest, together with an application cover sheet and the names and telephone numbers of two recent referees should be emailed to: jeff.hobson@aiatsis.gov.au
The closing date for applications is COB 23 January, 2006.

National Museum of Australia

[Curator \(Repatriation\)](#) Mitchell, Canberra
Classification: Australian Public Service Level 6
Status: Non-ongoing contract position (up to 18 months subject to negotiation)
Location Mitchell, Canberra
Section: Collections and Content
Project code: 19-1111-100-51100
Immediate supervisor:
Repatriation Program Director
Closing date: 5.00pm, 27 January 2006

[Senior Curator \(Repatriation\)](#)

Classification: Executive Level 1
Status: Non-ongoing contract position (18 months) with possible further option of 18 months
Location
Mitchell, Canberra
Section:
Collections and Content
Project code:
19-1111-100-51100
Immediate supervisor:
Repatriation Program Director
Closing date:
5.00pm, 27 January 2006

Call for Expressions of Interest for PhD Research Scholarships (2 available) Archaeology, Anthropology, Geoarchaeology/Geomorphology Expressions of interest are called for two PhD research scholarships in archaeology, anthropology and/or geoarchaeology/geomorphology to work on an interdisciplinary ARC Discovery Project investigating Aboriginal cultural patterns in the Wellesley Islands region of the Gulf of Carpentaria. We encourage applications from candidates whose interests bridge these disciplinary areas. Applicants should have a good honours degree or research masters in archaeology, anthropology, earth sciences or a related field. Current Australian Postgraduate Award (APA) applicants from one of the universities of the project investigators are also invited to express their interest. The scholarship pays a tax-free stipend at APA rates with further funding for project operation costs, field expenses and relocation. Further information is available from the Project Director A/Prof. Paul Memmott on (07) 3365 3660 or p.memmott@uq.edu.au. A description of the project is available at: www.aboriginalenvironments.com. Closing date for expressions of interest 16 January 2006 to p.memmott@uq.edu.au or by post to A/Prof. Paul Memmott, Aboriginal Environments Research Centre, PO Box 6114, St Lucia QLD 4067.

Australian Cultural Heritage Management is seeking written expressions of interest for a suitably qualified and experienced Consultant Anthropologist. This is a full-time consultant position. The position will be responsible for providing anthropological services in South Australia and Western Australia. The Consultant Anthropologist will be involved in a range of matters including;

- conducting field trips in South Australia and Western Australia

- project management of small scale projects
- high level report writing, production and assistance
- Traditional Owner identification, consultation and cross cultural communication
- promotion of community development principles
- provision of cultural heritage advice
- determining, protecting and documenting cultural heritage
- liaising with government and industry.

A reasonable remuneration package has been developed which includes generous overtime conditions for field trips. Further details can be obtained from Fiona Pemberton, Office Manager, Email fiona@achm.com.au or phone on (08) 8172 2111. Applications must state full qualifications and experience against the selection criteria, and include a Curriculum Vitae with three referees.

Australian Cultural Heritage Management
PO Box 452

MSC Torrens Park SA 5062 Or

Emailed to: email@achm.com.au

Closing date 30th January 2006.

Native Title Services Victoria

Native Title Services Victoria ("NTSV") is currently recruiting for the positions of Research Coordinator and Research Officer (Anthropology). NTSV is a small, dynamic entity with unique and challenging goals, providing professional services to native title claimant groups across Victoria. NTSV is committed to achieving real land justice outcomes for Indigenous Victorians, and is looking for two exceptional professionals to fill these critical research positions.

Position descriptions will be available on the NTSV website www.nts.com.au after Tuesday 17th January. Until then, more information and position descriptions are available by contacting Pam McGrath on (03) 9321 5300 or pmcgrath@nts.com.au. Applications close Friday, February 3 2006.

Queensland South Native Title Services

Consultants with native title research experience are needed for consultancies in southern Queensland. Please contact Robert Graham either by email at:

ergm@optusnet.com.au

or by telephone at 07 32215500.

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NATIVE TITLE IN THE NEWS

ACT

Comments invited to help 'fine-tune' native title act Attorney-General Philip Ruddock has announced that a discussion paper setting out proposals to fine-tune the operation of the Native Title Act has been released. Stakeholders are invited to comment on the technical amendments within the next eight weeks, and welcome further suggestions for amendment. Mr Ruddock also said that these amendments were aimed at achieving better outcomes for all parties involved and was not a mechanism in which to minimise native title rights. Media Release 22-Nov-05

Denying heritage status to Tent Embassy a flawed decision

The Australia Institute, a leftwing think-tank, has said that the decision of Federal Minister to overrule a recommendation from his own advisory board and not include the Aboriginal Tent Embassy on the Commonwealth Heritage List is flawed. "Once again, the Minister has politicised the listing process...This is the culture wars in action" said Australia Institute spokesman Andrew Macintosh. Aboriginal elder and Embassy resident Neville Chappie Williams said "We'll see where we go from here but we're going to stay and fight to the end". National Indigenous Times, pg 10, 10-Nov-05

Federal

A community experience Three years of negotiation finally came to a close recently when the Nyikina and Mangala People of the Kimberleys signed an ILUA with the Shire of Derby West Kimberley. The signing took place at Oonkalkada near Derby in the presence of the groups elders, community leaders and local school students. This ILUA was the first agreement in the Kimberley region between an Indigenous group and a local government authority. Koori Mail, pg 33, 30-Nov-05. WI2005/001 Case Manager Trish Sinclair-Jones. The Tribunal provided Assistance with the draft of this ILUA. It has yet to be lodged with the Tribunal for Registration

Aboriginal outposts funding threat communities crisis

The Federal Government, through Indigenous Affairs Minister, Amanda Vanstone, plans to cease funding to remote Indigenous outstations and relocate the people to the nearest large recognised community or township. Senator Vanstone asserts that outstations are not economically viable, and the cost of providing infrastructure to all communities in the long term prohibitive. This process will allow monies to be available which



can then be re-invested into the larger communities. Cairns Post, pg. 2, 10-Dec-05

Experts take hit over title fights The National Native Title Tribunal (NNTT) has recently revealed that anthropological evidence given by anthropologists who are deemed 'too close' to the claimant group will carry less weight than that of experts considered objective. NNTT President Graeme Neate stated that anthropologists in the field of native title need to ensure they conduct themselves as impartial experts, not Indigenous advocates, with the information needing to be objective. Mr Neate further affirmed that anthropologists had a pivotal role in the native title claims process. Weekend Australian, pg. 2, 10-Dec-05

NTRBs wary of NT Review Various NTRBs have expressed concern re. the make up of the Review of the Native Title System's steering committee and the reporting timeframe. ALRM Chairman Paddy Agius said "I hope our fears are misplaced". Goldfield's Land and Sea Council CEO Brian Wyatt said "Native title is about the rights of Aboriginal people, but Aboriginal people and their land are treated as expendable incidentals in this review structure". Koori Mail, pg 14, 02-Nov-05

New South Wales

Macquarie Bank interest in development of and investment in Aboriginal-owned land in the Hunter The Macquarie Bank plans to establish development and investment funds to develop real estate projects on Aboriginal land. The National Aboriginal Sports Corporation Chief Executive, David Liddiard, has been employed to liaise with Land councils including Worimi, Koomphatoo and Darkinjung land councils on the coast and Wanaruah and Mindaribba inland. The Bank says the scheme would provide long-term income and benefits to Aboriginal communities however there has been a mixed response from land councils. Mindaribba Land Council general manager, Rick Griffiths, opposed the scheme because it would take away Aboriginal control, especially of land considered culturally significant. A "very small percentage" of profits will go into a charitable fund for those communities which do not have suitable lands for development. Newcastle Herald, pg 26, 28-Dec-05, West Australia, pg 21, 28-Dec-05

Agreement between native title claimant group and coal mining company for employment, training and other benefits A confidential agreement has been signed by the Wiradjuri native title claimants and Excel Coal

this month for employment, training and other benefits associated with the mining of coal at the Wilpinjong site, west of Merriwa. NSW Native Title Services chief, Warren Mundine, said the agreement showed native title could work well when mining companies and communities communicated well. Newcastle Herald, pg 18, 27-Dec-05

Federal Court hears native title evidence in Hay for the first time Federal Court sat in Hay last week for the first time to hear evidence from Hay resident, Bob Kennedy, in relation to a native title claim. Riverine Grazier, pg 3, 20-Dec-05

Native title agreement signed for Wilpinjong mine A native title agreement has been signed between the North-East Wiradjuri Indigenous group and Wilpinjong Coal Pty Ltd, a wholly owned subsidiary of Excel Coal Limited. The hour long ceremony, including the signing of the agreement took place at the Wilpinjong Coal Mine site. Excel Coal Managing Director was pleased with the agreement and looked forward to continued solid relationships. Mudgee Guardian & Gulgong Advertiser, pg 2, 13-Dec-05

Worimi dispute enters Federal Court Traditional owners are attempting to block the sale of land owned by the Worimi Aboriginal Land Council. Worimi man Gary Dates says that the land is a sacred women's site and should be vested in the living female descendants of the Worimi people. Newcastle Herald, pg 14, 18-Nov-05. Worimi Aboriginal Land Council has two native title determinations in its name: NN05/2 and NN05/7 both determined on the 28/11/2005 and native title was found not to exist in both cases

Kooris to be consulted re. Shell Cove marina A month after Traditional Owners went to the Land and Environment Court and failed to prevent development approval of the South Shellharbour Beach they have been invited to participate in consultation re. the heritage values of the area. Shell Cove project director Glenn Colquhoun said that previous investigations had shown that the key Aboriginal heritage areas were shell middens to the south of the development area that were already protected. However, the legal advocate for the protestors said that the area was also home to burials, reburials and a ceremonial site. "We will be keeping a close scrutiny of the process and if natural justice or procedural justice is denied, we will seriously consider



returning to the Land and Environment Court" he said. Illawarra Mercury, pg 14, 17-Nov-05

NSW Land rights up for review NSW Minister for Aboriginal Affairs, Milton Orkopoulos announced that Indigenous leader Professor Jack Beeton and former National Party MP Wendy Machin will facilitate the consultation process of the Land Rights Act review. A review of the Act is due to be completed next year. Coffs Coast Advocate, pg 9 16-Nov-05; Koori Mail, pg 28 (16-11-05); Narrabri Courier, pg 7 (15-11-05); Armidale Independent, pg 17 (16-11-05); Mt Druit St Marys Standard, pg 11 (16-11-05)

NSW Govt seeks nominations for Indigenous Cultural Heritage Advisory Board A new Aboriginal Cultural Heritage Advisory Committee that will advise the Minister for Environment and Conservation on the identification, assessment and management of Aboriginal cultural heritage in NSW will be established and the Department is seeking nominations for members to be drawn from NSW Land Councillors, Elders, native title claimants and Aboriginal owners. Wollondilly Advertiser, pg 12, 08-Nov-05

Northern Territory

Feuds within native title body may be partly responsible for shelving of land release at Mt Johns Valley A 120 block land release at Mt Johns Valley has been shelved amid plans to dissolve native title body Lhere Artepe. Group insiders cite internal feuds over distribution of the money as one of the factors responsible for the collapsing state of the body. The executive officer and board members have declined to comment. Bob Liddle, member of Lhere Artepe, suggested "the government should organise one package for all of the land releases because these individual agreements just drive prices up and cause unrest with traditional owners." Centralian Advocate, pg 2, 22-Dec-05

Land Council backs nuclear dump for NT The Darwin-based Northern Land Council (NLC) has backed a controversial bid for a nuclear waste dump on its island. Chief Executive Officer Norman Fry from the NLC also rejected claims from Democrats leader Lyn Allison that the NLC will receive economic benefit from three mines in the area in return for the endorsement. Territory Chief Minister Clare Martin also displayed displeasure towards the Federal Government saying they had foisted the proposal on Territorians without consultation. Australian, pg 1, 23-Nov-05

Feds rein in royalty cash to councils If amendments occur to the Land Rights Act, the Central Land Council (CLC) may lose its core funding due to the implementation of a performance based system. At present, the CLC predominately fund themselves through mining royalties. The new arrangements will see financial benefits reduced by more than 50 per cent. CLC Director David Ross expressed disappointment at the change in funding procedures, however stated that the mining and exploration process would be streamlined. Centralian Advocate, pg 6, 22-Nov-05

NT Land Rights Act reforms Changes to the Land Rights Act will include: legislating to dismiss various claims; restrictions on royalty expenditure and installing the Commonwealth Office of Evaluation and Audit as watchdog; the transfer of some decision-making powers from the Commonwealth to the Territory Government; and a system to establish transferable leases on Aboriginal land. Northern Territory News, pg 4, 18-Nov-05

NT Senator pressured to oppose n-dump Traditional owners from Harts Range and Mt Everard are pressuring Country Liberal Party Federal Coalition Senator Nigel Scullion to cross the floor and vote against Federal Government plans to build a nuclear waste dump at one of three locations in the NT. "We don't want a nuclear waste dump in our backyard" said Mt Everard TO Benedict Stevens. Science Minister Brendan Nelson refused to meet with TOs who travelled to Canberra to voice their objections. Canberra Times, pg 5, 08-Nov-05; Labor Media Release, pg 61 (7-11-05)

Traditional Owners support nuclear waste dump The Northern Land Council have announced that, following a week-long meeting, traditional owners have voted unanimously to nominate a site for the proposed nuclear waste dump. Traditional owners from the Central Land Council region meanwhile have steadfastly opposed Federal Government plans to build the dump in their lands. North Queensland Register, pg 12 27-Oct-05

Islands to be handed back Most of the islands in the Gulf of Carpentaria will be handed back to traditional owners 28 years after a land claim was lodged. Senator Vanstone will recommend the grant of land, but the handover is still subject to the approval of the Governor-General. Northern Territory News, pg 5, 07-Oct-05; Federal Govt Media Release, pg 5;



Katherine Times, pg 2 (9-11-05); Koori Mail, pg 12 (16-11-05)

Queensland

Agreement with traditional owners enables work on \$270 Million water pipeline. Sun Water, the Queensland Government's infrastructure arm, will start work on a \$270 million dollar pipeline to carry water from the Burdekin Falls Dam to Moranbah now that formal agreements with traditional owners are in place. An indigenous land use agreement has been submitted for registration with the Native Title Tribunal. Courier Mail, pg 39, 22-Dec-05

Reviews into areas of native title Phillip Ruddock, Federal Attorney-General, has announced six reviews into various areas of native title. Reviews being undertaken include reviews of the claims resolution process especially the relationship between the Federal Court and the National Native Title Tribunal, the Prescribed Body Corporates including the adequacy of their funding and the effectiveness of Representative Bodies. Queensland Country Life pg 14, 22-Dec-05

Land deal paves way for claims The Wangkumarra people, Beach Petroleum and the Queensland Government have reached an exploration agreement that could pave the way for similar claims in south-west Queensland. Fraser Coast Chronicle, pg 8, 21-Dec-05

Land deal paves way for claims The Wangkumarra people, Beach Petroleum and the Queensland Government have reached an exploration agreement that could pave the way for similar claims in south-west Queensland. The Wangkumarra people signed an exploration agreement with oil and gas producer, Beach Petroleum and the Queensland Government in relation to a 1960 sq km area of the Cooper Basin last week. The terms of the agreement include consultations with the traditional owners if the company encounters culturally significant sites, as well as jobs and training provided by the company. Wangkumarra representative, Hope Ebsworth, said the agreement could serve as a benchmark for other deals in South-West Queensland. Fraser Coast Chronicle, pg 8, Sunraysia Daily, pg 4, Daily Mercury, pg 13, Gladstone Observer, pg 20, Morning Bulletin, pg 14 21-Dec-05

Indigenous land use agreement signed by Kalpowar Aboriginal People The Kalpowar Aboriginal People signed an indigenous land

use agreement in relation to the former Kalpowar pastoral lease aggregation. The traditional owners have committed to providing ongoing access to part of the land to Vietnam veterans who have fought for years to maintain this right. The agreement resulted in the creation of the new Jack River National Park, an addition to the Cape Melville National Park, a new nature refuge and public purpose reserves. Tablelands Advertiser, pg 23, 21-Dec-05

Daradgee claim may set precedent The Appo family have applied to the Federal Court for respondent status over a section of the Ma:mu claim. If granted it will be the first time that respondent status will have been recognised for spiritual reasons. "(W)e don't want to own anything. The claimant group is not connected to this place but we're all one family and we're asking them to sit down with our people and work it out together with no fighting and with proper respect" said family spokesman Gerald Appo. Koori Mail, pg 15, 14-Dec-05 QC01/15, QUD6014/01, Case-Manager John Liston (QLD Registry)

Native title claim in shire Dalrymple Shire in North Queensland will be involved in its 31st native title claim. The most recent claim is by the Gudjala People over a 19,167sq km area located between the Flinders and Kennedy highways. To date, no applications lodged have been successful, with 13 currently being in mediation or notification. The longest running claim also dates back to 1998 by the Kudjala People. Northern Miner, pg. 3, 09-Dec-05, QC05/6 & QUD80/05, Case Manager Jodhi Rutherford. Gudjala People. This claim went into notification on the 14/12/2005

Fate of land claims known next year A six-month directions hearing has recently taken place in Cairns to review the progress of 26 pending claims. Resulting from the hearing, Federal Court Acting Chief Justice Jeffrey Spender said two long-standing claims were close to being settled. The first was the Mandingalbay Yidinji claim involving a decision over ownership of a large forested parcel of land near Yarrabah. The second was the Western Yalanji claim over a 753sq km area south of Mt Surprise. Cairns Post, pg. 9, 03-Dec-05, QC00/8: Mandingalbay Yidinji People #2; QC05/8: Western Yalanji #7, QUD6007/00: Mandingalbay Yidinji People #2; QUD3/05: Western Yalanji #7, Case Managers Mark Price (Mandingalbay Yidinji People #2) and Clare Stehbens: Western Yalanji #7.



Queensland Government selects preferred bidders for Auruken bauxite deposit The Queensland Government will select the four preferred bidders for the Auruken bauxite deposit in January 2006, the first mining project in Queensland on land where native title rights have been determined. Auruken project director for the Office of the Coordinator General. Geoff Dickie, said that "the developer and the state will have to negotiate and reach agreement with the traditional owners of the area to enable the project to proceed." Gold and Minerals Gazette, pg12, 01-Dec-05

Cape York Land Council executive director calls for honesty by mining companies in their dealings with Aboriginal groups At the Mining 2005 Resources Convention in Brisbane Richie Ahmat, Cape York Land Council executive director, called on mineral resources companies to be open and up-front with Aboriginal groups when it comes to reaching agreements. He explained that under the Native Title Protection Commission, explorers may apply for an exploration permit using the expedited procedure which provides for traditional owner involvement in a cultural heritage survey before the exploration occurs, to ensure that no cultural sites will be harmed. "Whilst a number of exploration permits have been granted pursuant to this process, there were also many objections lodged by native title to the use of the expedited process." Gold and Minerals Gazette, pg 13, 01-Dec-05

TOs become native title respondents on spiritual links basis The Appo family have joined as respondents in the Mamu native title claim on the basis that Daradgee (Daradji) is a law ground and burial place visited and maintained by Yidinji people. If respondent status is granted it will be the first time that it has been recognised for spiritual reasons. "It's a strong, spiritual women's place where the old aunties and grannies come back and visit and there is a lot of love and caring and sharing for the old people" said respondent applicant Gerald Appo. Cairns Post, pg 10, 30-Nov-05. QC01/15, QUD6014/01. Case Manager John Liston (QLD Registry)

Veterans, TOs hold talks Traditional owners have agreed to enter into negotiations with Vietnam Veterans squatting on Kalpowar Station. "This is a significant gesture of goodwill on the part of the traditional owners and I believe it should be received as such by the ...veterans" said Qld Premier Beattie. Koori Mail, pg 4, 16 02-Nov-05; Cooktown Local

News, pg 16 02-Nov-05. QLDQC97/48, QUD6155/98. Case Manager Karrell Ross. This was registered with the NNTT on the 27/10/97.

ILUA paves way for gypsum operation Mining company Zinaback Pty Ltd have recently registered an ILUA with the Maiawali and Karawali people of Central-Western Queensland. The ILUA allows Zinaback to mine a 104-hectare area south-west of Winton, while providing compensation to the traditional owners. For mining to continue, it was essential for the agreement to be made as the existing lease was due for expiry. This agreement was also the first time Zinaback had taken part in the native title process in the seven years it had operated in central Queensland. Quarry, pg 10 01-Nov-05. Registered ILUA QI2005/008 [other ILUAs between Zinaback and the Maiawali and Karawali parties: QI2005/003 (24/01/05) and QI2003/051 (25/06/04). Registered by Tribunal on 22/09/05

South Australia Indigenous community agrees to mining in Gawler Ranges An Indigenous Land Use Agreement (ILUA) has been signed allowing minerals exploration to take place in the Gawler Ranges in South Australia. A special signing ceremony took place at the Waltumba camping site near Lake Gardner including Attorney-General Michael Atkinson, representatives of the Gawler Ranges Native Title Group, the South Australian Chamber of Mines and Energy (SACOME) and the Aboriginal Legal Rights Movement (ALRM). West Coast Sentinel, pg 2, 24-Nov-05. SI2004/004. Case Manager Greg Jervis. The Tribunal has not yet provided assistance with this ILUA and it does not appear to have been lodged with the Tribunal for Registration

Controversy over Narungga claim The Aboriginal Legal Rights Movement has denied claims that it sold out the Narungga people by negotiating an Indigenous Land Use Agreement despite the objections of some TOs. ALRM CEO Paddy Agius said that the Narungga people were properly consulted and that they received far more than they would have had the claim proceeded to court. However, claimants Irene and Quentin Agius claim that they expected to participate in a mediation process that never eventuated to address their 18 objections to the terms of the ILUA. Koori Mail, pg 28, 16-Nov-05. SI2003/004 Case Manager Greg Jervis. This was registered by the Tribunal on the 6/10/2005



AP Land changes now law Changes to governance arrangements of Anangu Pitjantjatjara Lands, including procedures for electing council chairman, have been passed by the SA Parliament and are now law despite vociferous opposition from many traditional owners and calls from Anangu chairman Yami Lester for the SA Premier to resign. Koori Mail, pg 11, 02-Nov-05

Victoria

Applause from Horsham Rural City Councillors for local native title agreement

The Horsham Rural City Council applauded Uncle Jack Kennedy, the Wotjobaluk people, Councillors, local government administrators and the Attorney-General, Rob Hulls, for contributing to the resolution of the local native title claim by negotiation rather than litigation. "The agreement signed at Horseshoe Bend on the Wimmera River at Dimboola on December 13 was an historic event" said Cr Pam Clarke. Wimmera Mail Times, pg 9, 30-Dec-05

Victorian native title agreement 'a sell-out'

Wergaia/Jupagalk traditional owners. Robert Nicholls and Gary Murray issued a statement describing the Wotjobaluk agreement as a sell-out. "Our elders and claimants condemn this wayward agreement as racist, discriminatory, paternalistic, inequitable and fundamentally flawed. It does not address our dispersal and dispossession or land justice" they said. Swan Hill Guardian, pg 8, 16-Dec-05, VC95/2 (#1), VC99/5 (#2), VC99/8 (#3), VID6002/1998 (#1), VID6005/1999 (#2), VID6009/1998 (#3) Case Manager Chris Loorham, Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 1; Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 2; Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 3

Native title a first in state Native title has been officially recognised in Victoria with a Federal Court ruling that recognises land use rights by the banks of a river in the State's southwest. "Our mob have been working towards this day for more than ten years" said Barengi Gadjin deputy chair Kaylene Clarke "It now allows us to move forward and make a better future for our people". Border Mail, pg 10, 14-Dec-05, VC95/2 (#1), VC99/5 (#2), VC99/8 (#3), VID6002/1998 (#1), VID6005/1999 (#2), VID6009/1998 (#3) Case Manager Chris Loorham: Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 1; Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 2; Wotjobaluk, Jaadwa,

Jadawadjali, Wergaia and Jupagulk Peoples No. 3

Praise for court title decision A landmark native title decision has been handed down in Victoria involving a number of Indigenous groups. They include the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalt People. The Federal Court plans to recognise these native title rights on Crown Land along the Wimmera River in a formal ceremony. All three determinations delivered by Justice Merkel were consensual and gives the groups non-exclusive rights over the area, including hunting, fishing, gathering and camping within the 269sq km area from Yarriambiack Creek junction to the outlet lakes in the Wyperfeld National Park. The decision will not affect public access to the areas. Wimmera Mail Times, pg 7, 12-Dec-05. VC95/2 (#1), VC99/5 (#2), VC99/8 (#3), VID6002/1998 (#1), VID6005/1999 (#2), VID6009/1998 (#3). Case Manager Chris Loorham. Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 1; Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 2; Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 3

MBAV warns of heritage costs The Victorian Master Builders Association has warned that assessing building sites for Aboriginal cultural significance will add \$2000 to the cost of the average new home. North West Property News, pg 2, 14-Nov-05

NWNCAC slams draft Victorian Aboriginal Heritage Bill

The exposure draft of the Victorian Aboriginal Heritage Bill is a "missionary, welfare piece of legislation and should not see the light of day until it is done right" says North West Nations Clans deputy chair Gary Murray. If passed, the Bill will allow for the establishment of a Government appointed Aboriginal Advisory Council, introduce a lot more red tape and lead to litigation said Mr Murray. The Bill is available on request from Aboriginal Affairs Victoria. Sunraysia Daily, pg 15, 05-Nov-05; Swan Hill Guardian, pg 5 (9-11-05); Sunraysia Daily, pg 8 (12 Nov 05)

Western Australia

WA Office of Native Title focus on resolution of claims through agreement

De Gray Mining chairman, Ron Manners, said Australian companies were opting for off-shore opportunities because of frustration with WA's minerals exploration and development processes. A State Government spokesman



said the Office of Native Title "aimed to help reduce the time it takes to resolve native title claims" by focusing on resolving claims through agreement rather than litigation. Kalgoorlie Miner, pg 13, 22-Dec-05

Move by Indigenous groups towards economic stake warrants development

According to Ben Wyatt, non-executive director of Indigenous Business Australia, two particular Native Title agreements entered into in WA during 2005 deserve attention because they indicate a move by Indigenous people towards an economic stake in the country. The agreements referred to are between Argyle and the Mirriwung, Gidja, Wularr and Magnin people of the East Kimberley and between the Government and the Mirriwung-Gajerrong people. He argues that the move towards an economic stake embodied in these agreements warrants further development. Business News, pg 23, 22-Dec-05

\$1b diamond expansion - Argyle to take mining operation underground

Argyle Mining plan to spend \$1 billion on expanding its mining operation near Kununurra in Western Australia. The expansion will take the largest diamond mine in the world underground and should allow for the mine to continue operating beyond 2008. Indigenous people will continue to be employed, contributing economic and social benefits to the Kimberley according to Rio Tinto chief executive Leigh Clifford. Rio Tinto has also made legally binding commitments with the Mirriwung, Gidja, Wularr and Magnin Indigenous groups in the form of an ILUA. Kimberley Times, pg. 1, 15-Dec-05. WI2002/003. Case Manager Christine Scoggin. The current ILUA with relation to Argyle Diamonds was registered on the 8/04/2005

Njamal, Palyku sign deal with gold miner

Wedgetail Exploration NL and the Njamal and Palyku people have signed two native title agreements concerning a gold-mining project. "Wedgetail have been good in their negotiations with us and we are pleased to have reached this deal with them today" said Gavin Snook of the Njamal people. Koori Mail, pg 9, 14-Dec-05

Bardi Jawi win title

Traditional owners from the Kimberley have had full exclusive possession recognised over parts of the land claimed, non-exclusive rights recognised over areas below the mean high water mark. A determination that native title does not exist has been made over Brue Reef. Koori Mail, pg 11, 14-Dec-05. Bardi Jawi: WC95/48; Bardi and Jawi People - Brue Reef: WC04/1, Bardi Jawi:

WAD49/1998; Bardi and Jawi People - Brue Reef: WAD6001/2004. Case Manager Marion Towndrow. Bardi Jawi was partially determined; Bardi and Jawi People - Brue Reef was fully determined.

Two Aboriginal groups win marathon legal battle for Kimberley coastal land

A coalition of over 900 Bardi and Jawi People have won exclusive control of 1037sq km of land in the West Kimberley after ten years of negotiations. The coastal land is around the Dampier Peninsula, predominately Crown Land or leased to Aboriginal groups. The Bardi and Jawi People now possess exclusive rights over the land, meaning they have the right to control who lives on and visits the land. Non-exclusive rights to the reefs and the sea were also recognised. The claimant group will be permitted to hunt dugong and turtle as well as collect pearl shells. West Australian, pg. 46. 02-Dec-05. Bardi Jawi: WC95/48; Bardi and Jawi People - Brue Reef: WC04/1, Bardi Jawi: WAD49/1998; Bardi and Jawi People - Brue Reef: WAD6001/2004. Case Manager Marion Towndrow.

Signing of agreement between WA Government and Mirruwung-Gajerrong people paves the way for development and conservation projects

The signing of a native title agreement in October 2005 between the Western Australian Government and the Mirruwung-Gajerrong people paves the way for the development of about 65,000 ha around Kununurra and Lake Argyle for agricultural, industrial, residential, commercial and tourism development and is expected to create education, training, job and business opportunities for the Aboriginal people. There are seven development and five conservation areas involved in the agreement including the second stage of the Ord River Irrigation Scheme. WA Treasurer, Eric Ripper, who took part in the signing ceremony said the native title agreement recognised the economic, social and cultural needs of the Mirruwung-Gajerrong People and would ensure they have an opportunity to fully participate in projects within the native title area. Prospect Magazine pg 2, p37, 01-Dec-05

Native title processes blamed for time taken to bring a diamond mine to production

Kimberley Diamond Company NL executive chairman, Miles Kennedy, commented that if there were another major discovery it would be unlikely that a diamond mine could come on stream in time to coincide with the predicted supply and demand gap in 2010. He said the

shortest time to bring a diamond mine into production used to be four years, but it was now increasingly difficult for diamond miners around the world to operate due to drawn out licensing processes relating to environmental and native title issues. Gold and Minerals Gazette, pg 52. 01-Dec-05, 01-Dec-05

Follow guidelines, says GLSC Royalty payments made to claimant groups by mining companies have been causing division amongst the Indigenous communities in relation to how the money should be spent. The State Government has urged the Goldfields Native Title claimants to follow correct processes for settlements and openly promotes comprehensive settlements of native title claims. The Goldfields Land and Sea Council has urged claimants to follow its guidelines for the distribution of mining royalties but admits it has no power to intervene in disputes. Kalgoorlie Miner, pg 3, 24-Nov-05. WC99/29 & WC99/30 (Central West and Central East Goldfields People respectively), WAD65/98 & WAD70/98 (Central West and Central East Goldfields People respectively). Case Managers Sharon Reynolds (WC99/29) and

Kristina Nilsson (WC99/30). Registered by the Tribunal on the 4/10/1999.

Work begins on Broome development Work has begun on a new housing estate in Broome. The land release was made possible after negotiations between Rubibi native title claimants and the State Government. The project includes an environmental corridor running between Reid and Gubinge Rds. Significant cultural areas will be preserved and maintained by the traditional owners. Broome Advertiser, pg 4, 10-Nov-05. WC95/28, WAD91/98. Case Manager Sandra Barkla. Rubibi was Determined in 2001.

New advocacy group for Goldfields: WA A new advocacy group, the Northern Goldfield's Regional Aboriginal Council, has been formed in the wake of ATSIC's abolition. The group will lobby State and Federal Governments for better health, education, training and employment services for Aboriginal people. Kalgoorlie Miner, pg 4, 08-Nov-05

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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.
7/11/2005	Sada Services Pty Ltd	Non-claimant application	Active	New South Wales	NN05/18	NSD2135/05
8/11/2005	Mt Everard	Claimant application	Active	Northern Territory	DC05/12	NTD36/05
8/11/2005	Alcoota No. 2	Claimant application	Active	Northern Territory	DC05/11	NTD35/05
11/11/2005	Mr Brian Robertson	Non-claimant application	Active	New South Wales	NN05/19	NSD2183/05
24/11/2005	NSW Minister for Lands #8	Non-claimant application	Active	New South Wales	NN05/20	NSD2297/05
30/11/05	Gingirana #2	Claimant application	Active	Western Australia	WC05/8	WAD364/05
19/12/2005	Ngarigu	Claimant application	Active	New South Wales	NC05/2	NSD2620/05
22/12/2005	Kalkadoon People #4	Claimant application	Active	Queensland	QC05/12	QUD579/05

(This information has been extracted from the National Native Title Tribunal website www.nntt.gov.au)

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REGISTRATION TEST DECISIONS

Decision date	Application date	Application name	State/Terr.	Decision	Tribunal file no.	Federal Court file no.
28/11/2005	30/03/2005	William Garry Allen, Martin De Launey and Lynette Syme	New South Wales	Accepted	NC05/1-1	NSD1089/05
29/11/2005	1/09/2005	David Stock & Ors on behalf of the Nyiyaparli People	Western Australia	Accepted	WC05/6-1	WAD6280/98

(This information has been extracted from the National Native Title Tribunal website www.nntt.gov.au)

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APPLICATIONS CURRENTLY IN NOTIFICATION

Notification closing date	Application name	Application type	Dated filed	State/Territory	Tribunal file no.	Federal Court file number
1/02/2006	Wakaman People #2	Claimant application	9/08/2004	Queensland	QC04/9	QUD158/04
1/02/2006	Budina People	Claimant application	18/06/2004	Western Australia	WC04/5	WAD131/04
1/02/2006	Walman Yawuru	Claimant application	16/12/2004	Western Australia	WC04/9	WAS285/04
15/02/2006	Ulladulla Local Aboriginal Land Council	Non-claimant application	28/09/05	New South Wales	NN05/15	NSD1826/05
15/02/2006	Mrs Miranda Avery-Slater & Ors	Claimant application	7/12/04	New South Wales	NC04/1	NSD1819/04
15/02/2006	Warren Berry	Non-claimant application	20/09/2005	New South Wales	NN05/12	NSD1685/05
15/02/2006	Mr Benjamin John Cruse	Non-claimant application	22/09/05	New South Wales	NN05/13	NSD1766/05
13/03/2006	John Wilfred Graham & Jill Patricia Young	Non-claimant application	28/10/05	New South Wales	NN05/17	NSD2111/05
13/03/2006	Minister for Lands	Non-claimant application	19/10/05	New South Wales	NN05/16	NSD1983/05
13/03/2006	Gudjala People	Claimant application	22/03/2005	Queensland	QC05/6	QUD80/05
27/03/2006	Sada Services Pty Limited	Non-claimant application	7/11/2005	New South Wales	NN05/18	NSD2135/05
1/05/2006	NSW Minister for Lands #8	Non-claimant application	24/11/2005	New South Wales	NN05/20	NSD2297/05

(This information has been extracted from the National Native Title Tribunal website www.nntt.gov.au)



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ILUAS

Tribunal file no.	Name	Type	State/Territory	Reg. date	Subject matter
VI2005/004	Victorian Mining License 5435 Dja Dja Wurrung	Area agreement	Victoria	23 December 2005	Mining
QI2003/052	Coolgaree Bay Sponge Farm	Area agreement	Queensland	22 December 2005	Access
NI2002/001	Saltwater People	Area agreement	New South Wales	12 December 2005	Access Fishing
QI2004/001	Northern Peninsula Area Infrastructure ILUA	Area agreement	Queensland	12 December 2005	Infrastructure
QI2005/002	Metallica Minerals ILUA	Area agreement	Queensland	25 November 2005	Mining
DI2004/044	Gregory National Park NLC ILUA	Area agreement	Northern Territory	15 November 2005	Development
DI2004/045	Gregory's Tree Historical Reserve ILUA	Area agreement	Northern Territory	15 November 2005	Development
DI2004/052	Black Jungle/Lambells Lagoon Conservation Reserve ILUA	Area agreement	Northern Territory	15 November 2005	Development
DI2004/050	Fogg Dam Conservation Reserve ILUAS	Area agreement	Northern Territory	15 November 2005	Development
DI2004/048	Harrison Dam Conservation Area ILUA	Area agreement	Northern Territory	15 November 2005	Development
DI2004/049	Melacca Swamp Conservation Area ILUA	Area agreement	Northern Territory	15 November 2005	Development
DI2004/043	Flora River Nature Park ILUA	Area agreement	Northern Territory	15 November 2005	Development
VI2004/008	Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk	Area agreement	Victoria	11 November 2005	Co-management Consultation protocol Extinguishment

(This information has been extracted from the National Native Title Tribunal website www.nntf.gov.au)

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DETERMINATIONS

Short name	Case name	Date	State/Terr.	Outcome	Legal Process
Wotjobaluk, Jaadwa,	Clarke on behalf of the	13 December 2005	Victoria	Native title does not	Consent determination

Jadawadjali, Wergaia and Jupagulk No. 3	Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v State of Victoria [2005] FCA 1795			exist	
Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk No. 1	Clarke on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v State of Victoria [2005] FCA 1795	13 December 2005	Victoria	Native title exists in parts of the determination area	Consent determination
Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk No. 2	Clarke on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v State of Victoria [2005] FCA 1795	13 December 2005	Victoria	Native title does not exist	Consent determination
Darkinjung Local Aboriginal Land Council (2005)	Darkinjung Local Aboriginal Land Council v Minister for Lands and Ors (Unreported FCA, 7 December 2005, Jacobson J)	07 December 2005	New South Wales	Native title does not exist	Unopposed determination
Awabakal Local Aboriginal Land Council	Awabakal Local Aboriginal Land Council v NSW Native Title Services Ltd (Unreported FCA, 6 December 2005, Edmonds J)	06 December 2005	New South Wales	Native title does not exist	Unopposed determination
Bardi and Jawi Native	Sampi v State of	30 November 2005	Western Australia	Native title exists in	Litigated determination

Title Determination	Western Australia			parts of the determination area	
Worimi Local Aboriginal Land Council #1	Peter Hillig in his capacity as administrator of Worimi Local Aboriginal Land Council v Minister for Lands for the State of New South Wales [2005] FCA 1712	28 November 2005	New South Wales	Native title does not exist	Unopposed determination
Worimi Local Aboriginal Land Council #2	Peter Hillig in his capacity as administrator of Worimi Local Aboriginal Land Council v Minister for Lands for the State of New South Wales [2005] FCA 1713	28 November 2005	New South Wales	Native title does not exist	Unopposed determination

(This information has been extracted from the National Native Title Tribunal website www.nntt.gov.au)

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RECENT ADDITIONS TO THE AIATSIS COLLECTION CATALOGUES

Bibliography

The following list contains newly catalogued items that have just become available on Mura, the AIATSIS on-line catalogue. Some entries have web addresses and you will be able to have access immediately to them. Please check Mura for more information on each entry, including annotations.

Audiovisual Materials

Winifred Hilliard deposited three collections of colour slides documenting the craft industry and other activities at Ernabella from 1950-1997.

Two large collections of audio recordings of language elicitation and ethnobiological information have been lodged by the Kimberley Language Resource Centre. Also, 7 CD ROMs of Aboriginal oral histories recorded in the Manning Valley, N.S.W. and published by the Greater Taree City Council have been acquired

by the AIATSIS Library. A series of audio tapes of oral histories from Darwin includes some genealogies from the area and can be found under DANIELS_J01.

New resource on-line

The Australian National Placenames Survey Newsletter is available on-line at <http://www.anps.mq.edu.au/news.html>. It contains articles and short pieces about the cultural aspects of placenames and placename research in Australia.

Print materials

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WHAT'S NEW WITH THE NTRU

The new AIATSIS website is up and running. Check it out at <http://www.aiatsis.gov.au/>

Change of webpage address

NTRU's webpage has moved and is now at <http://ntru.aiatsis.gov.au/>



Please note

If you are researching a Native Title claim, the Native Title Research and Access Officer at AIATSIS can help you to locate all relevant material held in the AIATSIS Library and Audiovisual Archives. Our services include:

- Expert advice on sources held at Australian Institute of Aboriginal and Torres Strait Islander Studies
- Providing listings of relevant material to your claim that is held in the Library and the Audiovisual Archives
- Arranging for copies of articles, manuscripts, tapes, photographs and videos in compliance with the Copyright Act and conditions of deposit,
- Helping to manage clearances to materials with access restrictions and
- Assisting you in searching the on-line catalogue

Staffing

- Glen Fairfoot completed his 4 wks work placement for his NICP from 21Nov-21Dec. Glen will return in June 2006 for another 4 wks work placement.
- Donna Oxenham commenced a 6 month contract with the NTRU as principal researcher on the native title applicant groups/PBC research project.
- Dr Stuart Bradfield finished his VRF in January 2006. Stuart will take up a position with the Office of Native Title in Western Australia.
- Nerida Mulvey will be completing a 6 week student internship with us commencing Monday 9 January 2006. Nerida will be completing her final year of studies in law at La Trobe University (adding this qualification to social work, the field in which she has worked for 22 years). Nerida will be primarily assisting Lisa with legal research.

Networks and collaboration

- Grace Koch has compiled a [Resource Guide for Preservation/Conservation of Collections](#) and distributed it to each Native Title Representative Body.
- Toni Bauman has continued collaboration with NADRAC and the Federal Court of Australia on the FCA's tender given to Resolve to scope case studies which would best identify best practice in Indigenous Alternative Dispute Resolution.

- Toni Bauman held discussions with the Central Land Council regarding training, and consultations on IFaMP's draft NTRB training resource in Indigenous decision-making and dispute management. Toni also held discussions with Native Title Services Victoria regarding training and revision of IFaMP's draft policy guidelines for NTRBs in decision-making and dispute management in native title.
- Toni Bauman has been in ongoing communication with the Northern Land Council and the Wardaman Corporation regarding the next steps in the pilot native title mediation process which revolves around an Indigenous Land Use Agreement in the Katherine area.
- Glen Kelly provided advice to community and researchers in the development of AIATSIS grant applications in the SW of WA.
- Glen Kelly attended a meeting of the Indigenous Advisory Committee to the Federal Minister for the Environment in Jervis Bay in December. This meeting also included liaison with the Wreck Bay Aboriginal community and a meeting with the Parliamentary Secretary to the Minister for the Environment
- Glen Kelly provided materials for the development of a project interpreting Nyungar culture in the Lower South West of WA
- Glen Kelly attended a meeting at the Department of Foreign Affairs and trade to advise Australian Government delegates in relation to their formulation of a position of the Australian Government to present at the upcoming meetings held by the Convention on Biological Diversity in January on the topics of Article 8(j) of the Convention and the development of global principles for Access and Benefit Sharing arrangements for the use of Indigenous intellectual property.
- Dr Strelein and Lara Wiseman were invited to present and participate in QSNTS staff Induction Program on 8-9 December 2005.

Research Activities

- A submission to the WA Office of Native Title re. it's proposed alternative settlement package was prepared by Diana McCarthy, Stuart Bradfield, Glen Kelly, Toni Bauman & Dr Strelein.
- A submission to the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund relating to Native Title Representative



Bodies was prepared by Dr Strelein & Lara Wiseman.

IFAMP

Webpage change of address

Associated with the upgrade of the AIATSIS website, the web address of IFaMP changed from <http://www.aiatsis.gov.au/ifamp.htm> to <http://ntru.aiatsis.gov.au/ifamp>. Those accessing the old address will be automatically redirected to the new, but please update to the new address.

Workshops

1) Evaluation Framework/Toolkit

On 5 - 6 December 2005 IFaMP convened a workshop at AIATSIS entitled 'Evaluation Toolkit: training and service delivery in decision-making and dispute management processes in native title', to work through the issues in developing an Evaluation Toolkit for Native Title Representative Bodies (NTRBs). Consulting firm *Social Compass* facilitated the workshop, which was attended by representatives from the National Native Title Tribunal, Federal Court of Australia and Native Title Representative Bodies. Following comments from participants, a draft 'toolkit' in preparation by *Social Compass* will be applied to training being proposed by Queensland South Native Title Services (QSNTS) early in 2006. The Evaluation Toolkit will then be revised and finalised and distributed to NTRBs and other relevant stakeholders.

2) Australian Indigenous Leadership Centre Certificate 2 Workshop

On the 21 November 2005 Toni Bauman ran a workshop in Indigenous decision-making and conflict management for participants in an Australian Indigenous Leadership Centre (AILC) Certificate 2 Course held in Canberra.

Report – National Network of Indigenous Facilitators and Mediators

The final report of the October Indigenous Facilitators and Mediators workshop was completed in December following comments from participants. The report, *Making a Difference: towards establishing national networks of Indigenous process experts in a whole-of-government approach* (Toni Bauman, Jess Clements and Annalisa Koeman, 2005) has been distributed to participants and made

available on IFaMP's web site along with the two background papers to the workshop.

During the final session of the workshop, OIPC undertook to prepare a draft 'two pager' scoping paper in consultation with the workshop participants that would be used by OIPC to take the proposal further, again, in consultation with participants and other stakeholders.

Presentation – ACJC 25th Anniversary celebration

Toni Bauman addressed the Aboriginal Community Justice Centres' 25th Anniversary celebration at Tranby College, Sydney on the 15th December. Her paper - 'The relevance of mediation to Aboriginal people' – dealt with the development of a national network of Indigenous facilitators and mediators to work in a range of areas including native title. This would provide employment opportunities and career pathways for Indigenous community justice mediators who are currently employed only on a case-by-case basis.

Submission – Native Title Claims Resolution Review

In early December 2005 IFaMP made a submission to the Attorney-General's Native Title Claims Resolution Review, highlighting key findings and outcomes of IFaMP, and the need for greater involvement of Indigenous process experts in successful agreement-making. The submission was accompanied by several IFaMP reports.

Web Updates

The following documents were uploaded to the IFaMP website:

Bauman, T., Clements, J., and A. Koeman 2005. [*Making a Difference: towards establishing national networks of Indigenous process experts in a whole-of-government approach*](#), Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.

Indigenous Facilitation and Mediation Project. 2005. [*Building Indigenous Capacity in Consultation, Negotiation and Agreement-Brokering: The Need for Procedural Expertise \(Working Draft\)*](#). Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.



Indigenous Facilitation and Mediation Project.
2005. [*Towards a National Network of Indigenous Process Experts in Agreement-Brokering, Decision-Making and Conflict Management \(Working Draft\)*](#). Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.

These are found at: 'Latest Updates' on the IFaMP home page and 'Papers and Publications' and 'Workshops and Reports' on the IFaMP 'Research and Publications' page.

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ABOUT THE NATIVE TITLE RESEARCH UNIT

AIATSIS acknowledges the funding support of the Office of Indigenous Policy Coordination (OIPC) - Native Title and Land Rights Centre.

For previous editions of this Newsletter, click on the Native Title Research Unit link at www.aiatsis.gov.au or go to <http://ntru.aiatsis.gov.au/publications/newsletters.html>

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