

What's New: September 2005

Notifications

Native title applications by current notification of applications

Notification closing date	Application name	Application type	Date filed	State/Territory	Tribunal file no.	Federal Court file no.
26/10/2005	Ngarla #2	Claimant application	7/04/2005	Western Australia	WC05/2	WAD77/05
9/11/2005	Pilki People	Claimant application	12/08/2002	Western Australia	WC02/3	WAD6002/02
23/11/2005	Ballardong People	Claimant application	3/07/2000	Western Australia	WC00/7	WAD6181/98
23/11/2005	The Council of the City of Shoalhaven	Non-claimant application	23/06/2005	New South Wales	NN05/10	NSD1037/05
23/11/2005	Ngarlawangga People	Claimant application	8/04/2005	Western Australia	WC05/3	WAD78/05
6/12/2005	Illawarra Local Aboriginal Land Council	Non-claimant application	28/07/2005	New South Wales	NN05/11	NSD1272/05
20/12/2005	Dennis and Susan Hunt	Non-claimant application	14/03/2005	New South Wales	NN05/8	NSD407/05
20/12/2005	Warrungu People #2	Claimant application	30/06/2004	Queensland	QC04/8	QUD111/04
20/12/2005	William Garry Allen, Martin De Launey and Lynette Syme	Claimant application	1/07/2005	New South Wales	NC05/1	NSD1089/05

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

Determinations

There have been no determinations of native title from 5th-30th September 2005

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

Indigenous Land Use Agreements: Registered ILUAs by date

Tribunal file no.	Name	Type	State/Terr.	Reg. date	Subject matter
DI2004/034	Native Gap Conservation Reserve ILUA	Area agreement	Northern Territory	03 October 2005	Development

DI2004/032	Rainbow Valley Conservation Reserve ILUA	Area agreement	Northern Territory	03 October 2005	Development
DI2004/033	Mac Clark (Acacia Peuce) Conservation Reserve ILUA	Area agreement	Northern Territory	03 October 2005	Development
DI2004/031	Ruby Gap Nature Park ILUA	Area agreement	Northern Territory	03 October 2005	Development
DI2004/035	Watarrka National Park and Leaseback Area ILUA	Area agreement	Northern Territory	03 October 2005	Development
DI2004/030	Davenport Range National Park ILUA	Area agreement	Northern Territory	03 October 2005	Development
DI2004/037	Emily and Jessie Gaps Nature Park ILUA	Area agreement	Northern Territory	03 October 2005	Development
DI2004/036	Dulcie Range National Park ILUA	Area agreement	Northern Territory	03 October 2005	Development
DI2004/029	West MacDonnell National Park ILUA	Area agreement	Northern Territory	03 October 2005	Development
DI2004/038	Kuyunba Conservation Reserve 2 ILUA	Area agreement	Northern Territory	03 October 2005	Development
DI2005/001	Birringdudu ILUA	Area agreement	Northern Territory	30 September 2005	Mining
DI2004/021	N'Dhala Gorge Nature Park ILUA	Area agreement	Northern Territory	30 September 2005	Development
DI2004/026	Chamber's Pillar Historical Reserve ILUA	Area agreement	Northern Territory	30 September 2005	Development
DI2004/025	Corroboree Rock Conservation Reserve ILUA	Area agreement	Northern Territory	30 September 2005	Development
DI2004/024	Ewaninga Rock Carvings Conservation Reserve ILUA	Area agreement	Northern Territory	30 September 2005	Development
DI2004/022	Trepkina Gorge Nature Park ILUA	Area agreement	Northern Territory	30 September 2005	Development
DI2004/023	Finke Gorge National Park ILUA	Area agreement	Northern Territory	30 September 2005	Development

DI2004/020	Gregory National Park CLC ILUA	Area agreement	Northern Territory	30 September 2005	Development
DI2004/028	Devil's Marbles Conservation Reserve ILUA	Area agreement	Northern Territory	30 September 2005	Development
DI2004/027	Arltunga Historical Reserve ILUA	Area agreement	Northern Territory	30 September 2005	Development
QI2005/008	Winton Gypsum ILUA	Area agreement	Queensland	22 September 2005	Mining
QI2005/001	Hutton Creek Crossing - Comet Ridge Project	Area agreement	Queensland	21 September 2005	Pipeline
DI2004/004	Township of Urapunga	Area agreement	Northern Territory	20 September 2005	Development
QI2003/055	Western Yalanji - Pedersen ILUA	Area agreement	Queensland	02 September 2005	Development

(This information has been extracted from the [National Native Title Tribunal website](http://www.nntt.gov.au/ilua/bydate_index.html) http://www.nntt.gov.au/ilua/bydate_index.html 08/08/05)

Future Act Determinations

Future Act consent determinations by Determination date

Determination date	Tribunal File No.	Decision/ Determination	Parties
27/09/2005	WO03/780	Consent determination: expedited procedure does not apply	Evelyn Gilla & Others on behalf of Yugunga-Nya (WC99/46) (native title party) - and - The State of Western Australia (Government party) - and - Gidgee Resources Pty Ltd (grantee party)
7/09/2005	WO04/36	Consent determination: expedited procedure does not apply	Paddy Neowarra & Others on behalf of the Wanjina Wunggurr Wilinggin Native Title Claimants (WC99/11) (native title party) - and - The State of Western Australia (Government party) - and - Tesco Pty Ltd (grantee party)

7/09/2005

[WO05/10](#)

Consent determination: expedited procedure does not apply

Daisy Lungunun and Others on behalf of the Nyikina & Mangala Native Title Claimants (WC99/25) (native title party)
- and -
The State of Western Australia (Government party)
- and -
Yorkton Resources NL (grantee party)

(This information has been extracted from the [National Native Title Tribunal website](http://www.nntt.gov.au/cgi-bin/search/search.pl?determination_date=2005&col=determinations&sorttype=determination_date&disp=false&list=determination_date&consent=yes) http://www.nntt.gov.au/cgi-bin/search/search.pl?determination_date=2005&col=determinations&sorttype=determination_date&disp=false&list=determination_date&consent=yes 08/08/05)

Other Future Act determinations by Determination date

Determination date	Tribunal File No.	Decision/ Determination	Parties	Catchwords
29/09/2005	QO05/60 QO05/61 QO05/62 QO05/113 QO05/149 QO05/152 QO05/153 QO05/165 QO05/166	Objection - Dismissed	QO05/60 Anglo American Exploration (Australia) Pty Ltd (grantee party) -and- State of Queensland - Department of Natural Resources & Mines (Government party) -and- Ruby Saltmere on behalf of the Indjilandji/Dithannoi People QC02/36 (native title party) QO05/61 Anglo American Exploration (Australia) Pty Ltd (grantee party) -and- State of Queensland - Department of Natural Resources & Mines (Government party) -and- Ruby Saltmere on behalf of the Indjilandji/Dithannoi People QC02/36 (native title party) QO05/62 Anglo American Exploration (Australia) Pty Ltd (grantee party) -and- State of Queensland - Department of Natural Resources & Mines	Native title future acts proposed grant of exploration licences - expedited procedure applications applications for exploration licences withdrawn - objection application dismissed.

(Government party)
-and-
Ruby Saltmere on behalf
of the Indjilandji/Dithannoi
People QC02/36
(native title party)

QO05/113
Ausquest Limited
(grantee party)
-and-
State of Queensland -
Department of Natural
Resources & Mines
(Government party)
-and-
Colin McLennan and
others on behalf of the
Jangga People QC98/10
(native title party)

QO05/149
Anglo American
Exploration (Australia)
Pty Ltd
(grantee party)
-and-
State of Queensland -
Department of Natural
Resources & Mines
(Government party)
-and-
James Watts Taylor and
others on behalf of the
Kalkadoon People
QC99/32
(native title party)

QO05/152
Anglo American
Exploration (Australia)
Pty Ltd
(grantee party)
-and-
State of Queensland -
Department of Natural
Resources & Mines
(Government party)
-and-
James Watts Taylor and
others on behalf of the
Kalkadoon People
QC99/32
(native title party)

QO05/153
Anglo American
Exploration (Australia)
Pty Ltd
(grantee party)
-and-
State of Queensland -

Department of Natural Resources & Mines
(Government party)
-and-
James Watts Taylor and others on behalf of the Kalkadoon People
QC99/32
(native title party)

QO05/165
Coffee Gold NL
(grantee party)
-and-
State of Queensland - Department of Natural Resources & Mines
(Government party)
-and-
Bradley Foster and others on behalf of the Waanyi People
QC99/23
(native title party)

QO05/166
Coffee Gold NL
(grantee party)
-and-
State of Queensland - Department of Natural Resources & Mines
(Government party)
-and-
James Watts Taylor and others on behalf of the Kalkadoon People
QC99/32
(native title party)

16/09/2005	WO05/188	Objection - Dismissed	Leonne Velickovic on behalf of the Widji People - WC98/27 (native title party) -and- The State of Western Australia (Government party) -and- Frederick Charles Saunders (grantee party)	Native title future act proposed grant of prospecting licence expedited procedure objection application failure to comply with directions objection application dismissed
16/09/2005	WO05/28	Objection - Dismissed	Leonne Velickovic on behalf of the Widji People - WC98/27 (native title party) -and- The State of Western Australia	Native title future act proposed grant of prospecting licences

(Government party) -and- Solomon (Australia) Pty Ltd (grantee party)	expedited procedure objection application
	failure within a reasonable time to proceed with objection application
	failure to comply with directions
	objection application dismissed

(This information has been extracted from the [National Native Title Tribunal website](http://www.nntt.gov.au/cgi-bin/search/search.pl?col=determinations&sorttype=determination_date&browse=determination_date&consent=no)http://www.nntt.gov.au/cgi-bin/search/search.pl?col=determinations&sorttype=determination_date&browse=determination_date&consent=no)

Case Law (Australia)

[Davidson v Fesl \[2005\] FCAFC 183](#)

French, Finn And Hely JJ

30 August 2005

Perth (Heard In Brisbane)

Keywords: Aborigines – native title – application for native title determination – authorisation – whether application properly authorised at lodgement – application discontinued by leave – application for leave to appeal against grant of leave to discontinue – native title claim group – definition – difficulties and disputes about definition – connection to authorisation question – no substantial injustice arising out of discontinuance – benefits to be derived from filing of fresh native title determination application with properly defined native title claim group and adequate authorisation – application for leave to appeal against grant of leave to discontinue dismissed

Visit <http://www.austlii.edu.au/au/cases/cth/FCAFC/2005/183.html> for more information

[Noble v Murgha \[2005\] FCAFC 211](#)

NATIVE TITLE - application for leave to appeal from primary judge's decision under s 66B

<http://www.austlii.edu.au/au/legis/cth/consol_act/nta1993147/s66b.html>

of Native Title Act 1993 <http://www.austlii.edu.au/au/legis/cth/consol_act/nta1993147/>

(Cth) removing applicant in claimant application - whether removal authorised pursuant to s251B <http://www.austlii.edu.au/au/legis/cth/consol_act/nta1993147/s251b.html> -

whether decision made by native title claim group in accordance with a "process of decision-making agreed to and adopted"

<http://www.austlii.edu.au/au/cases/cth/FCAFC/2005/211.html>

(Sourced from NNTT Judgements and Information email alert service)

Case Law (International)

Chingee v. Canada (Attorney General), 2005 BCCA 446

From the judgment: In my opinion lands in severalty conveyed pursuant to the McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement are simply not within the legislative jurisdiction of Canada, such lands neither being offered to Canada by British Columbia as "lands reserved for the Indians" nor accepted by Canada as such. It follows that I would allow the appeal of the Attorney General of Canada.

<http://www.courts.gov.bc.ca/Jdb-txt/CA/05/04/2005BCCA0446.htm>

(Sourced from NNTT Judgements and Information email alert service)

Media Releases

Attorney-General's Department

[Practical reforms to deliver better outcomes in native title](#). 7 Sep 2005. For more information visit

http://www.ag.gov.au/agd/WWW/MinisterRuddockHome.nsf/Page/Media_Releases_2005_T_hird_Quarter_7_September_2005_-

[Practical reforms to deliver better outcomes in native title - 1632005](#)

Native Title Ministers' Meeting Communiqué

16 September 2005 The Attorney-General, the Hon Philip Ruddock MP, on behalf of the Australian Government convened a meeting of Native Title Ministers at Parliament House, Canberra. The meeting was attended by State and Territory Ministers with responsibility for native title and provided an opportunity for all jurisdictions to meet and discuss the challenges of the native title system. Visit <http://www.ag.gov.au/nativetitlesystemreform> for the full text.

Goldfields Land and Sea Council

Government catch-up on cutting red tape is welcome: Sep 16 2005

Visit <http://www.glc.com.au/> for more information

National Native Title Tribunal

[Native title agreement paves way for central-west mining opportunities \(28 September 2005\)](#)

[Warrungu seek native title in north QLD \(08 September 2005\)](#)

[Wiradjuri native title application advertised \(07 September 2005\)](#)

National trend gathering momentum with 200th agreement

03 October 2005 The increased take-up of indigenous land use agreements (ILUAs) around Australia reflects a national trend for negotiating native title issues, rather than taking the disputes to court, according to the President of the National Native Title Tribunal Graeme Neate.

For more about National Native Title Tribunal media releases visit

<http://www.nntt.gov.au/media/index.html>

Books, Journals, Issues Papers and Discussion Papers

Aboriginal Studies Press

Aboriginal Studies Press invites you to visit www.aiatsis.gov.au/asp where you can order copies of ASP titles, read about the latest news and events, and Join Our Mailing List.

New Releases

[Unfinished Constitutional Business? Rethinking Indigenous Self-determination](#)

Barbara Ann Hocking (editor)

ISBN 0 85575 4664, pb, 216x140mm, 320 pp, \$39.95, Native Title, Self-determination

[Landscapes of Indigenous Performance: Music, song and dance of the Torres Strait and Arnhem Land](#)

Fiona Magowan & Karl Neuenfeldt (editors)

ISBN 0 85575 493 1, pb, 230x152mm, 208 pp, \$39.95, Performance studies, Ethnomusicology

October releases

[Cleared Out: First contact in the Western Desert](#)

Sue Davenport, Peter Johnson & Yuwali

ISBN 085575 457 5, pb, 270x255mm, 304 pp, 2 colour throughout, \$45.00, History

The Little Platypus and the Fire Spirit

Mundara Koorang

ISBN 0 85575 494 X, hb, 190x240mm, 32pp, 4 colour throughout, \$24.95, Children's

The Rain Flower

Mary Duroux

ISBN 0 85575 467 2, pb, 210x150mm, 48 pp, b/w & colour throughout, \$14.95, Children's

AIATSIS

[Native Title Newsletter Jul-Aug 2005](http://www.aiatsis.gov.au/rsrch/ntru/newlet/july_august05.pdf) is available for download at

http://www.aiatsis.gov.au/rsrch/ntru/newlet/july_august05.pdf

Issues Paper Series Vol 3. No. 2: Bauman, Toni: [Whose benefits? Whose rights? Negotiating rights and interests amongst Indigenous native title parties](http://www.aiatsis.gov.au/rsrch/ntru/ntpapers/ip02v3.pdf) is available for download from <http://www.aiatsis.gov.au/rsrch/ntru/ntpapers/ip02v3.pdf>

Other

Russell, Peter H: *Recognising Aboriginal Title: the Mabo case and Indigenous resistance to English-Settler Colonialism* University of Toronto Press \$AUS130, 450pp isbn: 0802038638

Skulthorpe, Gaye: 'Recognising difference: Contested Issues in Native Title and Cultural Heritage: A section devoted to issues in applied anthropology' *Anthropological Forum* Vol 15, No. 2. July 2005.

Beckett, Jeremy: *A Study of Aborigines in the Pastoral West of NSW*. Beckett's original 1958 thesis with a new introduction by the author. \$30 plus \$3.00pp To order contact oceania@arts.usyd.edu.au

On-line Publications

CAEPR

Three recent papers available for download from the Centre for Aboriginal Economic Policy Research may be of interest to list members:

Discussion Paper 276 'Land rights and development reform in remote Australia' by J.C. Altman, C. Linkhorn and J. Clarke

Abstract: There has been escalating media coverage of the view that Indigenous economic disadvantage and housing and infrastructure shortages are linked to communal title to land resulting from land rights and native title. A variety of powerful figures have been suggesting that privatizing or individuating this land might generate better economic and social outcomes for Indigenous people, especially in remote and very remote Australia.

Working Paper 28: 'The Opportunity Costs of the Status Quo in the Thamarrurr Region' by J. Taylor and O. Stanley

Abstract: Given the substantial deficits in economic activity, infrastructure and human capital identified by the ICCP/COAG trial in the Thamarrurr Region of the Northern Territory, questions were asked by the COAG partners as to the opportunity cost—both to governments and the local community—of sustaining the status quo. This report presents the findings of a study aimed at answering these questions. It follows a methodology first deployed by the Canadian Royal Commission on Aboriginal Peoples. Using secondary data sources and information on program expenditures

provided by Commonwealth and Northern Territory government departments it quantifies both costs due to foregone production and costs due to the remedial actions necessary to compensate for low socioeconomic status as benchmarked against an average set of costs—in this case those incurred in the Northern Territory as a whole. Analysis of these costs reveals that the value of output forgone at Thamarrurr amounts to \$43.8 million per annum. As for remedial costs, these are found to be negative to the tune of \$4.1 million per annum. Thus after accounting for all government dollars and transfer payments expended on residents of the Thamarrurr region, far less is spent on them per head than is spent on the average Territorian. What emerges is a structural imbalance in funding at Thamarrurr, with lower than average expenditure on positive aspects of public policy designed to build capacity and increase output, such as education and employment creation, and higher than average spending on negative areas such criminal justice and unemployment benefit. This begs a very important question as to whether this situation serves to perpetuate the very socioeconomic conditions observed at Thamarrurr in the first place.

Discussion Paper 275: 'Housing tenure and Indigenous Australians in remote and settled areas' by W. Sanders

Abstract: This paper adopts a socioeconomic and policy systems approach to housing tenure patterns. It argues that the housing tenure system in more densely settled Australia, dominated by home ownership, does not fully penetrate to remote areas for either Indigenous or other households. It uses data from the 2001 Census organised by remoteness geography to demonstrate this lack of penetration, and attempts to describe the housing tenure system in remote Australia in its own terms. The paper begins and ends by specifically looking at ideas about promoting home ownership in remote Aboriginal communities. It argues that this is a largely unrealistic policy goal, given the underlying income and employment status of Indigenous people in these communities. The paper also argues that there are better measures of Indigenous housing disadvantage in Australia than low home ownership rates and it identifies two: private rental rates in settled areas and household size in remote areas.

All can be downloaded from the CAEPR website at <http://www.anu.edu.au/caepr/new.php>

National Native Title Tribunal

The NNTT's [What's New in the Library August 2005](http://www.nntt.gov.au/Library/files/Library_Bulletin_Aug_2005.pdf) Bulletin can be obtained by visiting http://www.nntt.gov.au/Library/files/Library_Bulletin_Aug_2005.pdf

[Talking Native Title September 2005](http://www.nntt.gov.au/metacard/files/TNT16/TNT_Issue_16_2005.pdf) can be obtained by visiting http://www.nntt.gov.au/metacard/files/TNT16/TNT_Issue_16_2005.pdf

See also

- [South Australia extra](#)
- [Victoria extra](#)
- [Western Australia extra](#)


Mining Agreements: Content Ideas

Raine Quinn

August 2005

National Native Title Tribunal

This guide presents gives an overview of content ideas for agreements between mining companies and native title parties. It provides a series of triggers to help parties canvass important issues during negotiations. It does not aim to be an exhaustive source of information on mining agreements or specify what they should include.

 [PDF document \(468 KB\)](#) or visit
<http://www.nntt.gov.au/research/reports.html#Specificisuereports>


Pastoral agreements: Content Ideas

Raine Quinn

August 2005

National Native Title Tribunal

This guide presents an overview of content ideas for agreements between pastoralists and native title parties. It provides a series of triggers to help parties canvass important issues during negotiations. It does not aim to be an exhaustive source of information on pastoral agreements or what they should include.

 [PDF document \(492 KB\)](#) or visit
<http://www.nntt.gov.au/research/reports.html#Specificisuereports>


Local Government Agreements: Content Ideas

Raine Quinn

August 2005

National Native Title Tribunal

This guide presents an overview of content ideas for agreements between Local Government and native title parties. It provides a series of triggers to help parties canvass important issues during negotiations. It does not aim to be an exhaustive source of information on Local Government agreements or specify what they should include.

 [PDF document \(428 KB\)](#) or visit
<http://www.nntt.gov.au/research/reports.html#Specificisuereports>

Other

The Economics of Indigenous Deprivation and Proposals for Reform

Helen Hughes

Remote Aboriginal and Torres Strait Islander communities are beginning to demand education, productive employment opportunities with mainstream earnings, decent health, decent housing and the same security that other Australians enjoy. Hughes argues that “reforming separatist policies is essential to achieve this”.

<http://www.cis.org.au/IssueAnalysis/ia63/IA63.pdf>

Note: The following information regarding on-line publications is extracted from the Federal Court’s Native Title Bulletin 2005, No. 7. Please contact narelle.graefe@fedcourt.gov.au if you wish to subscribe to this service.

[Federal Court: Native Title Infobase \(NTIB\)](#) Please note that where possible cases, legislation and sources listed in database records are now linked directly to the Internet. Approximately 60% of the records on the Native Title Infobase (Intranet version) are also linked to full text images. Visit <http://www.fedcourt.gov.au/catalogues/search.html>

Bowskill, Helen

[Expert evidence in native title proceedings](#)

Native Title News Vol 7 No. 3 July 2005 pp 40-44

Contents: Relevance – Opinion evidence – Is the field of knowledge one in which expert opinion can properly be called? – Hearsay rule – Matters of form.

Available ONLINE: Webcat Native Title Infobase

Library locations: Sydney Canberra Brisbane Adelaide Melbourne Perth Darwin. Call no: Journals

Tehan, Maureen

[Difference, equality, recognition and justice : indigenous issues in the High Court judgments of Justice Mary Gaudron](#)

Public Law Review Vol 15 2004 pp 320-327

Summary: Taking the themes of difference, equality, recognition and justice, this article argues that Justice Gaudron's understanding and application of the dichotomous relationship between difference and equality underpins her Honour's contribution to Australian law on indigenous people. This view is expressed in cases such as Mabo No 1 and the Native Title Act case, and given both moral and practical application in Mabo No 2. It is this view that prises open possibilities for the settler legal system's recognition and protection of indigenous laws and for a new and reconciled relationship.

Contents: Introduction - The cases - Walden v Hensler - Mabo v Queensland [No 1] and Western Australia v Commonwealth (The Native Title Act case) - Mabo v Queensland No 2 - Recent Cases - Conclusion.

Available ONLINE: Webcat Native Title Infobase

Library locations: Sydney Canberra Brisbane Adelaide Melbourne Perth. Call no: Journals

McKenna, Marshall

[The potential utility of delivery of decisions to facilitate mediation](#)

Native Title News Vol 7 Issue 4 September 2005 pp 66-68

Summary: "Justices Lindgren and Merkel have independently published a partial draft and an interim decision in the Wongatha and Rubibi matters respectively, both with some expectation of the decisions being of use to parties in various stages of mediation... Whether the publication of "draft" or "interim" decisions will assist in the consensual resolution of native title claims remains to be seen... However, given the resources that native title cases consume, the court must be applauded for seeking to apply non-standard techniques to assist the parties reach consensual resolution." (pp 66-68)

Fox, Jo

[History of negotiated agreements in Australia](#)

Balayi: Culture, Law and Colonialism Vol 7 May 2005 pp 41-56

Summary: "Australia is the only Commonwealth country that has never entered into a formal, national treaty or negotiated agreement with its Indigenous peoples. However, an agreement-making culture has been developing in Australia over the past twenty years using processes such as native title and land rights negotiations. Despite claims by the Federal Government and others that a treaty or similar mechanism is impossible because under the law it means an agreement between two nations, agreements can, and are, being negotiated between governments and Indigenous communities in many different forms, including by this Federal Government. Furthermore, there are already 'layers' of co-existing sovereignty within Australia's system of government - arrangements with Norfolk Island and through the Torres Strait Regional Authority are examples of co-existing sovereignty. What the negotiated agreements described in this paper show is that governments are beginning to accept the legitimacy of Aboriginal decision-making and the benefits of Indigenous governance. This short overview is designed to provide examples of different types, form and content of agreements that have been negotiated." (p. 41)

Contents: Commonwealth-State Housing Agreement – Statement of Commitment between the Government of Western Australia and Aboriginal Western Australians – Western Cape Communities Co-existence Agreement – Tjurabalan Agreement – South Australian Statewide Framework Agreement – The Torres Strait Treaty – Addendum.

Available ONLINE: Webcat Native Title Infobase

Library location: Melbourne Call No: Journals

Llewellyn, David and Tehan, Maureen

['Treaties', 'Agreements', 'Contracts', and 'Commitments' - what's in a name? The legal force and meaning of different forms of agreement making](#)

Balayi: Culture, Law and Colonialism Vol 7 May 2005 pp 6-40

Summary: "While agreement making in Australia has an important place in the evolving relationship between Indigenous and non-Indigenous peoples in Australia, it must also be examined for its practical outcomes, and whether these do indeed foster a fair and just relationship. This paper examines agreements in Australia from the point of view of their enforceability, referring to the category of agreement and the status of the parties. The

paper discusses various categories of agreement and the enforceability of each type. This discussion aims to provide practitioners and native title-holders and claimant's information to assist them choose the appropriate agreement type for their purpose, and to understand the language, meaning and consequences of particular agreements. The paper does not seek to provide an exhaustive legal analysis of the elements of each type of agreement. Rather, it highlights the significant characteristics of each type of agreement, including its common legal status and its most frequent applications. In doing so, the paper provides an accessible insight into the intersection between contract law and agreement making. Ultimately the paper provides some tools to help determine what might be meant by one party when it proposes to another the making of an agreement, with a view to avoiding the difficulties that can come from a clash of differing expectations. The paper also provides the discussion points that may help parties make a choice of agreement type that meets their needs and expectations." (Abstract)

Contents: INTRODUCTION. CATEGORIES AND ENFORCEMENT OF AGREEMENTS: I. Commercial contract and pre-contractual liability – II. Memorandum of understanding – invention of the devil? – III. Framework agreement – IV. Statement of commitment – V. Indigenous Land Use Agreement (ILUA) – VI. Future act – VII. Legislation and contracts: The Trade Practices Act 1974 (Cth) – VIII. Agreement with government. CONCLUSION.

Available ONLINE: Webcat Native Title Infobase

Library location: Melbourne Call No: Journals

Upcoming Events

Conferences

W.E.H. Stanner: Anthropologist and Public Intellectual

The Australian Institute of Aboriginal and Torres Strait Islander Studies together with The Australian National University present this two-day symposium to mark the centenary of the birth of W.E.H. Stanner (1905-1981).

Thursday 24 - Friday 25 November 2005

Coombs Lecture Theatre

Registrations are now open

For more information or to register visit the website:

<http://www.anu.edu.au/culture/stanner>

Whiteness and the Horizons of Race

7-9 December 2005

Australian Studies Centre, University of Queensland.

For more information visit http://www.uq.edu.au/events/event_view.php?event_id=1061

The Centre for Multicultural and Community Development, University of the Sunshine Coast presents:

"Racisms in the New World Order: Realities of Culture, Colour and Identity"

Conference

8-9 December 2005

Hyatt Regency Hotel

Coolumb, Queensland

Australia

This conference will provide opportunity to examine the contemporary manifestations of racism across the world around key themes. The Centre for Multicultural and Community Development invites representatives from community, government and other organisations, as well as academics to attend the conference to develop a better understanding of racism and ways to combat it. For more information contact:

Ms Mitra Khakbaz

Coordinator

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6th National Men's Health Conference incorporating the 4th National Aboriginal and Torres Strait Islander Male Health Convention is an exciting three day event for everyone who works with men and boys to improve their health and well-being.

Monday Oct 10 – Wednesday Oct 12 2005

RACV Club, 501 Bourke St, Melbourne

For the full conference program and more information visit the conference website at

<http://www.regocentre.com/nmh2005/>

Reconciling the Past. Amnesty International and the Coalition of Peoples

Workshop: Healing without violence

Using the model of reconciliation and forgiveness as tools for healing, this workshop will equip you with practical skills and knowledge to deal with issues of violence. Dr Gobodo-Madikizela's skills in facilitating encounters between victims of violence and perpetrators will help us understand the processes involved in providing solutions to the issues of inter-generational violence.

Thursday 9am-5pm November 17 \$325

Dr Gobodo-Madikizela

In Her Own Voice

Wednesday 6-7.30pm November 16 \$35 Unwaged \$20

Justice Michael Kirby

Justice Kirby's address will be followed by a panel of high profile speakers including the Chief Justice of Western Australia, Hon Chief Justice Malcolm, Patron Coalition of Peoples, Hon Fred Chaney, Reconciliation Australia and Marlene Jackamarra-Carnamah, Chairperson Coalition of Peoples.

Monday 5-7pm October 24 \$35

At the University of Western Australia.

For more information visit <http://www.equity.uwa.edu.au/welcome?f=87045>

Australian Aboriginal Enterprises In Mining & Exploration Conference

The conference aims to: Bring together Aboriginal businesses in the mining and exploration industry to network with each other; highlight the work that is being done through case studies; identify and share best practice; further the professional and personal development of key individuals in the Aboriginal business sector involved in the mining and exploration industry; enable networking between the principals of Aboriginal businesses and representatives of the mining, exploration, financial and other business sectors National and International Speakers Read all about it at www.aboriginalmining.com

NSW Aboriginal Health Research Conference

18 & 19 October 2005, Sydney The conference is an initiative of the [Coalition for Research to Improve Aboriginal Health \(CRIA\)](#)(pdf) and is the first of its kind to showcase research in Aboriginal health specific to New South Wales. Visit

<http://www.saxinstitute.org.au/criahconference2005/> for more information.

The Uses and Abuses of Archaeology for Indigenous Populations 08 Nov 2005

Rangataua, Tauranga New Zealand Visit

http://ehlt.flinders.edu.au/wac/site/confer_nz2005.php for more information

Culture Fix 25 Nov 2005 Sydney Australia. Culture fix is the national conference of the Cultural Studies Association of Australia. Visit <http://www.hss.uts.edu.au/csaa/> for more information.

World Indigenous Peoples Conference on Education (WIPCE) 27 Nov 2005 Waikato New Zealand. Visit <http://www.wipce2005.com> for more information.

[Family & Community Strengths Conference - Evidence driving Practice](#) 05 Dec 2005
Newcastle Australia. Visit <http://pco.com.au/family> for more information.

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

[Community Development in a 'Global Risk Society'](#) 20 Apr 2006 Melbourne Australia.
Visit <http://www.deakin.edu.au/cchr> for more information.

Seminars

AIATSIS Seminar Series: Presented by:

When: Monday 12 September 2005, 12.30pm - 2.00pm

Where: Mabo Room, AIATSIS Building, Acton Peninsula

The AIATSIS Seminar Series, Semester 2, 2005 will explore the issues of identity, new models of discourse, contemporary Indigenous voices, diverse forms of representation in art, photography and multi-media. Prior to the influence of Native Title upon Indigenous historical narratives, a great diversity of historical investigation by Indigenous and non-Indigenous historians created new spaces of historical narrative from which Aboriginal history was understood, mediated and engaged with.

Through the medium of the written word, theatre, film, photography, visual arts and multi-media, the audience for Indigenous history was wide and diverse. The advent of native title brought a narrowing of this engagement, the material produced and the audience engaging with these histories. This seminar series will reveal the continuing creative space being investigated by Indigenous perspectives, themes and narratives by Indigenous and non-Indigenous historians and creators of historical narrative.

10 October	Anna Haebich (Griffith University)
17 October	Dianne Jones
24 October	Martin Nakata (UTS)
31 October	Chris Pease
7 November	Mary-Ann Jebb
14 November	Kaye Price (ANU)
21 November	Steve Kinnane (AIATSIS)

[Aboriginal Placenames Old and New](#)

1 October, 2005

Organised by the Asia-Pacific Institute for Toponymy, Macquarie University
Geoscience Offices, Canberra, ACT

For more information visit URL: <http://www.anps.mq.edu.au/currentactivities5.html>

01 November 2005

The Effects of Native Title Workshop

The Effects of Native Title Workshop will be held at The Australian National University, Canberra, on Tuesday 1st and Wednesday 2nd November 2005. Please note that attendance is on an invitation-only basis. Publication of a monograph of revised papers is intended to follow quickly from the workshop, and will be available through the ANU E Press.

The workshop (and publication) intend to address the lack of academic attention given to the impact that native title claims have had on Indigenous Australian life-worlds, and on governmental and private sector relationships with Australia's Indigenous populations. Papers have been written primarily by anthropologists who have conducted long-term ethnographic research with Indigenous groups that have been involved in or affected by claims under the Native Title Act 1993 (Cwlth) and its amendments. Other papers might provide perspectives from related disciplinary perspectives, from the perspectives of Indigenous claimants, and from organizational stakeholders in the native title process. For more information on this conference go to: www.anu.edu.au/caepr/nativetitle.php

Hawke Centre **Focus on Rights** lecture series: A reflection on ways forward for non-Indigenous South Australians to respond to Indigenous South Australian concerns.

Wed 19 October

UniSA, City East Campus.

Please visit http://www.hawkecentre.unisa.edu.au/events/lectures/IHRD_event2005.htm for more information

Other

Yaamma Festival

Bourke NSW

16th - 23rd October 2005

A Celebration of Community & Culture!

The "Yaamma (Welcome) Festival" has come out of the Bourke Aboriginal Community Working Party Plan entitled: Building Bridges: Having Fun and Living Well .

The festival will be held over 8 days, each day highlighting a particular aspect of the community development plan. It is designed to unite the community through creative processes & provides a positive & fun vehicle to launch the themes:

Spirit ~ Soul ~ Heart ~ Mind ~ Body

The festival project also aims to unite communities along the river system & promote healing & reconciliation between all peoples. For more information please visit the [Yaamma Festival website](http://www.YaammaFestival.org/) at <http://www.YaammaFestival.org/>

Recent Events

AAS Annual Conference: Fundamentalisms and Their Alternatives:

Anthropological Responses and Responsibilities The 2005 conference was held at the University of Adelaide from 27-30 September . Details can be found on the [2005 AAS conference web page](#).

Palm Island - Something is Very Wrong: National Centre for Indigenous Studies at the ANU

Speaker: Andrew Boe

When: 6 - 7 pm Wednesday 28 September 2005

Where: Law Lecture Theatre, Faculty of Law, Fellows Road, ANU

Indigenous Communities & the Welfare Board Archive

A talk by a member of State Records about Indigenous communities and their relationships with the welfare board through the board's archives. Saturday 24 September from 2pm to 3.30pm.

Waterloo Library, 770 Elizabeth Street, Waterloo. For further information, phone 9698 5371 or email library@cityofsydney.nsw.gov.au

Overcoming Difficulties, Delivering Outcomes

Friday 21 October 2005 Sheraton Perth Hotel Attend Cedric Wyatt Chief Executive Officer, Jigalong Community

Prior to this, Cedric Wyatt was President of the Shire of Cue and previously the Chief Executive Officer of the WA Aboriginal Affairs Department. Community engagement practitioners are constantly asking about strategies for engaging effectively and positively with Indigenous people and communities. Practitioners have told us of the challenges they face on a number of key issues and we have identified several others that must be addressed to ensure inclusivity, representativeness and acknowledgement of cultural authority. For this reason, the Office of Citizens and Civics has worked with the Department of Indigenous Affairs in developing a series of seminars that will explore and answer questions on key aspects of engaging with Indigenous people.

<http://www.wa.ipaa.org.au/ipaa/docs/Seminar%20-%20Answering%20The%20Challenge%20211005.pdf>

Opportunities

Western Australia: Land care grants look after country. Indigenous communities can apply for \$300,000 worth of new State Government land care grants, Indigenous Affairs Minister John Kobelke announced today. Mr Kobelke said the Looking after Country Grants would help Aboriginal communities around the State tackle issues of loss of biodiversity, soil erosion and destruction of cultural resources, such as burial grounds and stone formations. "A total of \$300,000 is available to encourage Indigenous landowners and managers to maintain, protect and preserve natural and cultural resources across the State," he said. "The funding will help communities manage their land in a sustainable way and provide cultural and environmental benefits for them, the wider community and the State." For more information visit http://www.dia.wa.gov.au/News/News_203.aspx

Call for Papers: Australian Historical Society 2006: Genres of History - in particular "The role of history in native title." For more information visit <http://histrsss.anu.edu.au/aha/index.html> Note: the organisers have asked that invitees please format paper proposals in the way stipulated in the 'call for papers' section of the website to help the organisers when they come to assemble the total program and the program booklet.

Call for Papers: Appreciating and Promoting Indigenous Knowledge Systems and Practices in Local Governance: Phase II Local Government Academy. The Phillipines. For more information you may contact Ms. Jean T. de Pano (Project Officer) at jean_depano@yahoo.com

Call for Papers & Presentations

Indigenous Australia: Beyond the Margins/Beyond Marginality

A Special Issue of the Journal of Sociology (Journal of The Australian Sociological Association)

Guest Editors

Maggie Walter (University of Tasmania) Margaret.Walter@utas.edu.au

Priscilla Pyett (University of Melbourne) pmpyett@unimelb.edu.au

Bill Tyler (Charles Darwin University) willtyler@msn.com.au

Annie Vanderwyk (University of Newcastle) Annie.Vanderwyk@newcastle.edu.au

Submissions should be sent by 20 December 2005 to:

Dr Maggie Walter, School of Sociology, Social Work and Tourism,
University of Tasmania
Private Bag 17
Hobart, Tasmania 7001
AUSTRALIA

The ANU's **Master of Applied Anthropology and Participatory Development (MAAPD)** Program now has a specialisation in Indigenous Policy. The MAAPD (Indigenous Policy) provides an opportunity to be trained by, and engage with, staff from the Centre for

Aboriginal Economic Policy Research (CAEPR), Australia's leading centre researching Indigenous economic and social policy issues.

The MAAPD program has a very practical focus and it increasingly attracts a wide range of development practitioners to its courses including those with an interest in working in indigenous issues which is why this new program has been developed. For more information visit www.rspas.anu.edu.au/maapd/IP which has full details of the program.

Western Australia: Young Aboriginal people sought for leadership program:

Nominations are being called for the Indigenous Youth Leadership Program, run by Department for Community Development's Office for Children and Youth. Young Aboriginal or Torres Strait Islander people, aged 15 to 25, who are keen to get involved in their community are urged to apply. Participants will develop leadership skills, share ideas on improving

the lives of their peers and be a role model for other young Western Australians. Contact Karen McDonald

<<mailto:karen.mcdonald@dia.wa.gov.au>> for an application form and return it to the Office for Children and Youth by fax 9322 6544 or email: Sarah.Kelly@dcd.wa.gov.au <<mailto:Sarah.Kelly@dcd.wa.gov.au>>

Have your say about the **Aboriginal Tent Embassy**. To express your views on this topic, please contact Mutual Mediations to obtain the discussion questions on Phone (07) 3876 6259 or email info@mutualmediations.com.au or provide feedback online at <http://www.mutualmediations.com/feedback-tentembassy.html>

Employment

National Native Title Tribunal

Public Affairs Officer (on-line publisher)

For more information visit http://www.nntt.gov.au/employment/1127183779_3756.html

Publication date:	20 September 2005
Closing date:	13 October 2005
Reference number:	326
For more information contact:	Janet Pinheiro
Telephone:	08 9268 7311
Branch:	Public Affairs
Classification	APS Level 4
Salary	\$45,940 - \$49,879
Location	Perth
Job Status	Ongoing

Systems Developer

For more information visit http://www.nntt.gov.au/employment/1127183779_3756.html

Publication date:	23 September 2005
Closing date:	06 October 2005
Reference number:	444
For more information contact:	John Youngson
Telephone:	08 9268 7275
Branch:	Business Information Solutions
Classification	APS Level 5
Salary	\$51,240 - \$54,332
Location	Perth

Job Status Non-ongoing (temp)
Period of job 18 months with possible extension

Goldfields Land & Sea Council: Expressions of Interest for Consultancy Services

Expressions of interest are called from suitably qualified and experienced experts available to provide anthropological and archaeological consultancy services in the Goldfields region of Western

Australia for and on behalf of clients of the Goldfields Land & Sea Council, the Native Title Representative Body of the Goldfields region of Western Australia, traditional owners and other stakeholders.

Anthropology and Archaeology

- Archaeological and Anthropological consultancies
- Heritage surveys

Consultants are asked to provide their curriculum vitae, contact details, rates, and availability. Please contact Sharyn Craig or Carol Volker on 08 9091 1661 or post to PO Box 10006 Kalgoorlie WA 6430.

[Ngaanyatjarra Manager Field Operations \[NTRB46\]](#)

Date Posted: 12/09/2005 10:11:01 The Ngaanyatjarra Council Native Title Unit is seeking to appoint a Manager of Field Operations to the Alice Springs office. The position is responsible for managing a small team of field staff providing native title services to people of the [more >>](#) For more information visit <http://www.ntrb.net/?p=15>

[Ngaanyatjarra Council NTU - Anthropologist \[NTRB47\]](#)

Date Posted: 12/09/2005 10:19:28 The Ngaanyatjarra Council, Native Title Unit is seeking an Anthropologist to assist native title claimants with a range of native title and heritage protection work, commencing November 2005. The position is based in Alice Springs and a significant [more >>](#) For more information visit <http://www.ntrb.net/?p=15>

[Goldfields Land and Sea Council - Anthropologist - Future Acts and Heritage \[NTRB48\]](#)

Date Posted: 12/09/2005 10:54:54 The Goldfields Land & Sea Council (GLSC) is the native title representative body in the Goldfields region of Western Australia. As such it is responsible for assisting and facilitating native title claims and handling other land related matters on [more >>](#) For more information visit <http://www.ntrb.net/?p=15>

[North Queensland Land Council - Anthropologist for c. 60 days \[NTRB49\]](#)

Date Posted: 13/09/2005 09:13:13 NQLC is seeking an Anthropologist with previous native title research experience to research and write a connection report. This report will build upon information contained in two existing connection reports prepared for neighbouring claims. Estimat [more >>](#) For more information visit <http://www.ntrb.net/?p=15>

[Cape York Land Council – Several Legal Officer Positions \[NTRB50\]](#)

Date Posted: 16/09/2005 09:37:00 The Cape York Land Council (CYLC) is the native title representative body for the Cape York Peninsula and a community-based land council with a proud history of achievement, and an exciting future. The Land Council is seeking applications for the [more >>](#) For more information visit <http://www.ntrb.net/?p=15>

[SWALSC - CEO \[NTRB51\]](#)

Date Posted: 28/09/2005 09:25:17

The South West Aboriginal Land & Sea Council (SWALSC) has as its first objective assisting traditional owners in the Noongar region of South West Western Australia to exercise their rights under the Native Title Act 1993. SWALSC is recognised by [more >>](#) For more information visit <http://www.ntrb.net/?p=15&mode=details&jobid=51>

