



## What's New: January 2007

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## Recent Cases (Australia)

### ***Bennell v Western Australia & Ors; Bodney v Western Australia & Ors; Bodney (on behalf of the Bodney family Ballaruks) v Western Australia & Ors* (19 September 2006) 230 ALR 603 [2006] FCA 1243**

Catchwords: Native title - Overlapping claimant applications in respect of land and waters in and around Perth - Applications in respect of five areas made on behalf of Bodney Family Group claim based on descent from Ballarruk and Didjarruk 'clans' - Whether these were land-holding groups at sovereignty or moiety groups - Lack of evidence of connection between members of claimant group and any Ballarruk or Didjarruk person alive at sovereignty - Lack of evidence of continued acknowledgement and observance of traditional laws and customs - These claims dismissed - Consideration of separate question arising out of application by the Noongar community in respect of an extensive area of south-west Western Australia - Separate questions related only to land and waters in and around Perth, however the claim was that this was part of a greater area in respect of which the Noongar community held native title rights and interests - Whether at sovereignty the normative system governing the whole of south-west Western Australia was that of a single Noongar community or whether there were a series of separate normative systems of smaller communities - Whether the single Noongar community has continued to acknowledge and observe some traditional laws and customs concerning land and waters - Identification of persons entitled to native title rights and interests - Identification of surviving rights and interests - Discussion of, and orders about, belated motion to strike out single Noongar claim for lack of proper authorisation.

### ***Myoung v The Northern Land Council* (2006) 154 FCR 324**

Catchwords: LAND RIGHTS - Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) - traditional Aboriginal owners - competing claim groups

ADMINISTRATIVE LAW - Administrative Decisions (Judicial Review) Act 1977 (Cth) - decision of Northern Land Council - error of law - 'no evidence' ground - no reviewable error.

### ***Worimi v Minister for Lands for the State of New South Wales* [2006] FCA 1770**

NATIVE TITLE - application to strike out claimant application - relevance of evidence given in earlier proceedings - claim group consisting of the applicant and his immediate family - whether claim group comprises the whole of the persons with native title rights - assertion that others had not been taught traditional laws and customs and do not hold native title rights - no findings as to persons who observe traditional laws and customs on a strike out application - evidence to be read on the view most favourable to applicant - evidence of traditional law and custom is that additional persons should be included in claim group - applicant not authorised by those persons - applicant not entitled to make application pursuant to s 61(1) of the Native Title Act 1993 (Cth).

### ***Mario Guisepe v Registrar of Aboriginal Corporations and Another* [2006] FCA 1692**

ADMINISTRATIVE LAW - procedural unfairness - adequacy of time allowed in show cause notice - whether reasonable - authority of Minister to approve appointment of administrator to Aboriginal Corporation.

### ***Franks & Ors v WA & ors* [2006] FCA 1811**

Native title - mediation - court supervision of mediation process - mediation protocols and programs - delays - resource and staffing limitations of representative body - specific orders proposed by National Native Title Tribunal - power of court to make specific orders - orders made accordingly.

**Re Simon [2006] NSWSC 1410**

ABORIGINALS - general - construction of "Aboriginal person" in Aboriginal Land Rights Act 1983 (NSW) - requirement of lineal descent from inhabitants of Australia immediately before European settlement - FAMILY LAW AND CHILD WELFARE - CHILD WELFARE OTHER THAN UNDER FAMILY LAW ACT 1975 AND RELATED ACTS - adoption - construction of transitional provisions of Adoption Act 2000 - meaning of "placed with a view to adoption" - operation of Aboriginal child placement principles - operation of special consent provisions concerning placement of Aboriginal child for adoption - definition of "Aboriginal" in Adoption Act 2000.

**Baird v State of Queensland No 2 [2006] FCAFC 1984**

Stolen wages. Since those proposed orders are the request of all of the parties in the proceedings, it is appropriate for the Court to make the following additional orders, in addition to the orders pronounced on 17 November 2006:

- (a) There be judgment in favour of James Stanley Baird for damages, inclusive of interest, in the sum of \$17,000;
- (b) There be judgment in favour of Marie Creek for damages, inclusive of interest, in the sum of \$45,000;
- (c) There be judgment in favour of Frank Tayley for damages, inclusive of interest, in the sum of \$37,000;
- (d) There be judgment in favour of Henry Walker for damages, inclusive of interest, in the sum of \$45,000;
- (e) There be judgment in favour of Henry Deeral for damages, inclusive of interest, in the sum of \$85,000;
- (f) There be judgment in favour of Anita Karen Gordon for damages, inclusive of interest, in the sum of \$19,800.

**Hillig as Administrator of Worimi Local Aboriginal Land Council v Minister for Lands for the State of New South Wales (No 3) [2006] FCA 1776**

From the judgment: 'I refer to my decision in Worimi v Minister for Lands for the State of New South Wales [2006] FCA 1770 in which I dealt with an application to strike out a native title claimant application ('the claimant proceedings'). There was also before me an application by Mr Dates ('Worimi') to be joined to these proceedings ('the Hillig proceedings'), in which Mr Hillig as administrator of the Worimi Local Aboriginal Land Council seeks a declaration that no native title exists over land at Port Stephens.'

**Ulladulla Local Aboriginal Land Council v NSW Federal Court NSD1862/2005, 13 December 2006**

Native Title does not exist.

**Aubrey Lynch and Others on behalf of the Wongatha People /Western Australia/ Heron Resources NL [2006] NNTA 162**

Native title -- future acts -- applications for determination for the grant of exploration licences -- Right to Negotiate and pre-combination claimant applications -- transitional provisions -- impact of subsequent removal from Register -- named applicants decline to sign state deed -- regional standard heritage agreement -- native title party as a whole consents to the determination -- consent determination that the acts may be done.

**Lawson v NSW Minister for Land and Water Conservation [2007] FCA 8**

NATIVE TITLE - application by representative body to be joined as a party - application for compensation application to be dismissed - authorisation of representative body to seek dismissal of compensation application - compensation application dismissed for applicant's failure to progress.

***Arnold Franks and Others v State of Western Australia and Others* [\[2006\] FCA 1811](#)**

NATIVE TITLE - mediation - court supervision of mediation process - mediation protocols and programs - delays - resource and staffing limitations of representative body - specific orders proposed by National Native Title Tribunal - power of Court to make specific orders - orders made accordingly.

***Akiba and Others on behalf of the Torres Strait Regional Seas Claim People v State of Queensland (No 3)* [\[2007\] FCA 39](#)**

PRACTICE AND PROCEDURE - leave to appeal - whether interlocutory or final native title decision - whether application for leave to appeal should be granted - whether court correct in exercising its discretion against joinder - application of the two limbs of the Décor test.

NATIVE TITLE - parties - joinder - application for joinder as a party to a native title claim - position of nationals of Papua New Guinea - Torres Strait Regional Seas Claim - effect of Treaty between Australia and Papua New Guinea on native title application - Exchange of Notes between Australia and Papua New Guinea in 2000 - classification of PNG villagers as traditional inhabitants.

(Sourced from NNTT Judgements and Information email alert service)

**Recent cases (International)**

***Ermineskin First Nation v. Canada* [2006 FCA 423](#)**

From the judgment: “Canada alleges that, in the course of litigation over an Indian Reserve surveyed and set aside for the Bobtail Band more than one hundred years ago, Ermineskin has repeatedly attempted to rely upon a legal theory they did not plead, the One Group theory. Ermineskin has made unsuccessful attempts before trial and at trial to advance the One Group theory, even though that theory was not disclosed in their pleadings”.

***McDiarmid Lumber Ltd. v. God's Lake First Nation* [2006 SCC 58](#)**

Aboriginal law — Property situated on reserve — Exemption from seizure — Creditor of Indian band attempting to garnish funds in off reserve financial institution — Funds paid to band by federal government pursuant to Comprehensive Funding Arrangement — Whether funds exempted from seizure by virtue of s. 89 or s. 90(1)(b) of Indian Act — Whether funds notionally “situated on a reserve” — Whether funds paid to band pursuant to “treaty or agreement” — Meaning of word “agreement” in s. 90(1)(b) of Indian Act — Indian Act, R.S.C. 1985, c. I 5, ss. 89, 90(1)(b).

***R. v. Morris* [2006 SCC 59](#)**

Aboriginal law — Treaty rights — Right to hunt — Two members of Tsartlip Indian Band charged under provincial wildlife legislation of hunting with firearm during prohibited hours and hunting with illuminating device — Whether treaty right to hunt includes right to hunt at night with illuminating device — Whether provincial legislation of general application infringes band's treaty right to hunt — Whether provincial legislation applicable to band by virtue of s. 88 of Indian Act — Wildlife Act, S.B.C. 1982, c. 57, ss. 27(1)(d), (e), 29 — Indian Act, R.S.C. 1985, c. I5, s. 88.

Constitutional law — Indians — Provincial wildlife legislation — Two members of Tsartlip Indian Band charged under provincial wildlife legislation of hunting with firearm during prohibited hours and hunting with illuminating device — Whether valid provincial legislation of general application inapplicable to band because it interferes with band's treaty right to hunt — Whether provincial legislation nonetheless applicable by virtue of s. 88 of Indian Act — Constitution Act, 1867, ss. 91(24), 92(13) — Indian Act, R.S.C. 1985, c. I5, s. 88 — Wildlife Act, S.B.C. 1982, c. 57, ss. 27(1)(d), (e).

### ***Ermineskin v. Canada*, [2006 FCA 415](#)**

The claims made in relation to the Money Management Phase are based on allegations that the Crown has breached one or more of its legal obligations in respect of certain funds held in trust for Ermineskin and Samson.

The trust funds are comprised mainly of accumulated royalties derived from the exploitation of oil and gas resources found beneath the surface of the Samson Reserve (which belongs to the Samson Nation), and the Pigeon Lake Reserve (which is shared by the members of four bands, often referred to as the "Four Bands": the Ermineskin Nation, the Samson Nation, and two other bands that are not parties to these appeals). The Ermineskin Nation also has its own reserve (the Ermineskin Reserve), but that reserve has not yet produced any royalties. The events that led to the Crown's receipt of the royalties are described later in these reasons. Appeals dismissed.

(Sourced from NNTT Judgements and Information email alert service)

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### **Legislation**

There is currently a senate inquiry into the **Native Title Amendment Bill 2006**.

See [http://www.aph.gov.au/senate/committee/legcon\\_ctte/native\\_title/index.htm](http://www.aph.gov.au/senate/committee/legcon_ctte/native_title/index.htm) for submissions and transcripts.

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

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## **Books, Journals, Issues Papers and Discussion Papers**

### **National Native Title Tribunal**

#### **Local Government Agreements: Content Ideas**

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.

#### **Mirning People Area and Identity Bibliography: Western Australia**

This Report was prepared by research staff of the National Native Title Tribunal to assist in the mediation of the Mirning People's native title application (WC01/1). The aim was to describe the naming of the group/s within the claim area, and the language/tribal boundaries as they have appeared in the historical literature.

#### **Wajarri Yamatji Bibliography: Western Australia**

This report was prepared by research staff of the National Native Title Tribunal (NNTT) as part of a Research Pilot Project agreed to by NNTT and Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation (YMBBMAC), the representative body for native title claims in the Geraldton and Pilbara RATSIB areas. The area covered by this report is the Wajarri Yamatji (WC04/10) claim area.

#### **Mirning Customary Practices and Contact History Bibliography: Western Australia**

The Mirning Customary Practices and Contact History report was prepared by research staff of the National Native Title Tribunal to assist in the mediation of the Mirning native title claim.

#### **Banyjima Bibliography: Western Australia**

This report was prepared by research staff of the National Native Title Tribunal to assist in the mediation of issues arising from native title applications by Banyjima (WC96/61 and WC98/62).

#### **Ballardong People Bibliography: Western Australia**

This report was prepared by research staff of the National Native Title Tribunal as the last report in a series of reports on the South West of Western Australia. The report covers the area claimed by the Ballardong People (WC00/7) to the west of the eastern boundary of the Combined Single Noongar Claim (WC03/6). Language groups mentioned include the Ballardong, Njaki-njaki, Wadjuk and Wiilman.

#### **Niyaparli Language Group Bibliography: Western Australia**

This report was prepared by research staff of the National Native Title Tribunal to assist in the mediation of issues arising from native title applications by David Stock & Others on behalf of the Niyaparli (WC99/4) and Nicholas Cooke and Others on behalf of Innawonga, Bunjima and Niapaili People (WC96/61).

#### **Innawonga Bibliography: Western Australia**

The Innawonga report was prepared by research staff of the National Native Title Tribunal to assist in the mediation of issues arising from native title applications: Innawonga, Bunjima and Niapaili (WC96/61), Innawonga People (WC98/69) and Gobawarra Minduarra Yinhawanga (WC97/43).

#### **Hamersley Ranges Bibliography: Western Australia**

This report was prepared by research staff of the National Native Title Tribunal to assist in the mediation of native title claims in the Hamersley Range region of the Pilbara, with particular focus on the area between Tom Price and Paraburdoo, and Rocklea and Turee Creek. Within this area there are two native title claims: Eastern Gurruma (WC97/89) and Innawonga Bunjima and Niapaili (WC96/61). Maps produced by linguists and anthropologists show three language/tribal names within this area: Kurama, Inawongga and Pandjima.

#### **Malgana and Nanda Bibliography: Western Australia**

The Malgana and Nanda report was prepared by research staff of the National Native Title Tribunal to assist in the mediation of issues arising from two native title applications made by the Malgana Shark Bay People (WC98/17) and the Nanda People (WC00/13).

#### **Wajuk Language Group Bibliography: Western Australia**

This report was prepared by research staff of the National Native Title Tribunal as the second last report in a series of reports on the South West of Western Australia. It was written on the Wajuk language group although it mentions other language groups in the area approximately bounded by Mandurah in the south, York and Northam in the east, Yanchep and Toodyay to the north and the coast to the west. The report covers the area formerly claimed by the Combined Metro Working Group WC99/6.

### **Jurruru People Bibliography: Western Australia**

The Jurruru People Report was prepared by research staff of the National Native Title Tribunal to assist in the mediation of the Jurruru People's native title claim (WC00/8).

### **Palyku Bibliography: Western Australia**

This report was prepared by research staff of the National Native Title Tribunal to assist in the mediation of issues arising from the native title application WC99/16 Palyku.

### **Purnululu and Jiddngarri Bibliography: Western Australia**

The Purnululu and Jiddngarri report was prepared by research staff of the National Native Title Tribunal to assist in the mediation of the Purnululu (WC94/11) and Jiddngarri (WC97/79) native title applications.

(Sourced from NNTT Judgements and Information email alert service)

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## **On-line Publications**

### **University Publications**

Read, Peter, Meyers, Gary and Reece, Bob (eds) *What Good Condition? Reflections on an Australian Aboriginal Treaty 1986-2006* Australian History Monograph (2006).

*What Good Condition?* collects edited papers, initially delivered at the Treaty Advancing Reconciliation conference, on the proposal for a treaty between Aboriginal and non-Aboriginal Australians, a proposal which has been discussed and dissected for nearly 30 years. Featuring contributions from prominent Aboriginal community leaders, legal experts and academics, this capacious work provides an overview of the context and legacy of the residue of treaty proposals and negotiations in past decades; a consideration of the implications of treaty in an Indigenous, national and international context; and, finally, some reflections on regional aspirations and achievements.

Sean Ulm [\*Coastal Themes : An Archaeology of the Southern Curtis Coast, Queensland\*](#) (2007).

Coastal archaeology in Australia differs in many respects from that of other areas, with the potential to examine relatively fine-scale variation. Nevertheless, there has been a general tendency in Australian archaeology to play down the variability and to subsume the evidence into broader homogenising models of Aboriginal cultural change. This case study clearly and self-consciously addresses the need to focus on local and regional patterns before moving on to more general levels of explanation. *Coastal Themes* builds a detailed chronology of Aboriginal occupation for the southern Curtis Coast in Queensland. Innovative analyses refine radiocarbon dates and explore discard behaviours and post-depositional processes affecting the integrity of coastal archaeological sites. The resulting insights highlight major changes in Aboriginal use of this region over the last 5,000 years and disjunctions between the course of occupation in this and adjacent regions.

(Sourced from NNTT Judgements and Information email alert service)

## Government Publications

Gilligan, Brian, [The Indigenous Protected Areas Programme - 2006](#) (2006).

This independent evaluation by the former Director-General of the NSW National Parks and Wildlife Service, Brian Gilligan, has hailed the Australian Government's Indigenous Protected Area (IPA) Programme as the nation's "most successful innovation in Indigenous conservation".

The IPA Programme commenced as a pilot in 1995 with the dual aims of supporting Indigenous land management and achieving national conservation objectives. Today the IPA Programme supports 22 declared IPAs covering a total of 14.9 million hectares in every state and territory of Australia (with the exception of the ACT).

The review also found that in addition to important biodiversity and conservation outcomes, communities involved in the IPA Programme report significant additional benefits. In particular the review confirms that IPAs create proven pathways to meaningful jobs looking after land and a framework for skills development.

Attorney General's Department [Guidelines on the Provision of Financial Assistance by the Attorney](#) (2007) commenced 1 January 2007.

(Sourced from NNTT Judgements and Information email alert service)

## Recent Events

### Conferences

**“Indigenous Law and Legal Systems: Recognition and Revitalization”**

**When:** 26-27 January 2007

**Where:** University of Toronto Faculty of Law

Keynote Address: Professor James Anaya, University of Arizona

Other confirmed speakers:

- Professor Darlene Johnston,
- Ms. Cindy Blackstock,
- Wilton Littlechild,
- Professor Gordon Christie,
- Professor Kent McNeil,
- Professor Willie Ermine,
- Professor Bradford Morse,
- Professor James (Sakej) Henderson,
- Professor Benjamin Richardson,
- The Honourable Frank Iacobucci,
- Professor Brian Slattery,
- Professor Shin Imai, and
- Ms. Jean Teillet.



## Seminars

### **Native Title Seminar - the Single Noongar claim**

**When:** 14 February 2007  
(5.30 pm to 7.00 pm)

**Where:** Common Room,  
NSW Bar Association,  
174 Phillip Street, Sydney

Vance Hughston SC and Tina Jowett will be presenting a free seminar on the decision of Justice Wilcox in *Bennell v State of Western Australia* (2006).

Vance Hughston SC and Tina Jowett acted for the applicants in their successful native title claim over the Perth metropolitan area. The decision, handed down by Justice Wilcox on 19 September, 2006, was the first determination of native title over a capital city and sparked considerable media attention. Mr Hughston and Ms Jowett are currently preparing the response to the state's appeal of Justice Wilcox's decision.

#### **To register contact**

[amy.ward@auroraproject.com.au](mailto:amy.ward@auroraproject.com.au)

(02) 9385 9050

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## Opportunities

### **Changes affecting Mineral Exploration on Aboriginal Freehold Land in the Northern Territory**

**When:** If you wish to express an interest to attending this seminar, please contact OPIC's representative directly.

**Where:** Perth (under proposal only)

Major changes to Part IV of the Aboriginal Land Rights (Northern Territory) Act 1976 (Mining Provisions) will come into effect on 1 July 2007.

The Land Rights Unit of the Australian Government Department of Families, Community Services and Indigenous Affairs, in conjunction with the NT Department of Primary Industry, Fisheries and Mines plan to hold a ½ day seminar in Perth (aiming for April 2007) to advise the industry of these changes and how it affects the mining industry.

Changes affect:

- Responsibility for process transfers to NT Government,
- Exploration Licence Application process changes,
- Negotiation time frames including deadlines,
- Accountability (Land Councils & Mining Companies),
- New Ministerial powers, and
- Greater flexibility for Land Councils.

If you are interest in attending, expressions of interest are sought by 28 February 2007.

**Contact** Ms Cristel Woelfel,  
 Senior Policy Officer,  
 Northern Territory Land Rights Unit,  
 (08) 8936 6367  
[Cristel.woelfel@oipc.gov.au](mailto:Cristel.woelfel@oipc.gov.au)

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## Employment

Role and closing date	Location	Description	Contact
<b>Senior Heritage Officer</b>  12 February 2007 (4.00 pm)	Yamatji Marlpa Barna Baba Maaja - Aboriginal Corporation  Perth	This is a key position within the Land Access Unit and under the supervision of the Land Access Manager, coordinates the Heritage Unit on a day to day basis. You are also required to conduct heritage surveys to protect our client's heritage in the face of proposed and/or resource development or exploration.	Human Resources Perth, WA Australia <a href="mailto:jobs@yamatji.org.au">jobs@yamatji.org.au</a> (08) 9268 7000
For further information, contact Robin Stevens on (08) 9268 7000.			

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## Applications Lodged

### Native title applications lodged by date

DATE FILED	APPLICATION NAME	APPLICATION TYPE	STATUS	STATE/ TERRITORY	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
8/12/2006	<a href="#">Ngurrulpa</a>	CLAIMANT	ACTIVE	WA	WC06/5	WAD357/06
11/12/2006	<a href="#">Townsville City Council</a>	NON-CLAIMANT	ACTIVE	QLD	QN06/2	QUD489/06
13/12/2006	<a href="#">Yirendali People Core Country Claim</a>	CLAIMANT	ACTIVE	QLD	QC06/20	QUD495/06
21/12/2006	<a href="#">Mantjintjarra Ngalia #2</a>	CLAIMANT	ACTIVE	WA	WC06/6	WAD372/06
9/01/2007	<a href="#">Bundambar Pty Ltd</a>	NON-CLAIMANT	ACTIVE	NSW	NN07/1	NSD37/07

17/01/2007 [Mardigan People](#) CLAIMANT ACTIVE QLD QC07/1 QUD26/07

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/cgi-bin/search/search.pl](http://www.nntt.gov.au/cgi-bin/search/search.pl) accessed 30/01/07. For further information about native title applications contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

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## 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.
7/02/2007	<a href="#">Bond Springs</a>	CLAIMANT	28/04/2006	NT	DC06/2	NTD4/06
7/02/2007	<a href="#">Eraring Energy ABN 31 357 688 069</a>	NON-CLAIMANT	4/09/2006	NSW	NN06/11	NSD1685/06
7/02/2007	<a href="#">NSW Minister for Lands #9</a>	NON-CLAIMANT	6/09/2006	NSW	NN06/12	NSD1708/06
21/02/2007	<a href="#">Deniliquin Local Aboriginal Land Council</a>	NON-CLAIMANT	29/09/2006	NSW	NN06/13	NSD1931/06
19/03/2007	<a href="#">South West Bojarah #2</a>	CLAIMANT	5/09/2006	WA	WC06/4	WAD253/06
19/03/2007	<a href="#">NSW Minister for Lands #10</a>	NON-CLAIMANT	13/11/2006	NSW	NN06/14	NSD2240/06
28/05/2007	<a href="#">Bundambar Pty Ltd</a>	NON-CLAIMANT	9/01/2007	NSW	NN07/1	NSD37/07

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) accessed 29/01/07. For further information about native title applications in notification contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

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## Registration Test Decisions

### Registration test decisions by decision date

DECISION DATE	APPLICATION DATE	APPLICATION NAME	STATE/TERRITORY	DECISION	NNTT FILE NO.	FEDERAL COURT FILE NO.
4/12/2006	11/04/2006	<a href="#">Wiradjuri Mooka 2 Clan</a>	NSW	NOT ACCEPTED	NC06/3-1	NSD690/06

5/12/2006	11/04/2006	<a href="#">Cowra Wiradjuri Clan</a>	NSW	NOT ACCEPTED	NC06/4-1	NSD689/06
8/12/2006	28/10/1997	<a href="#">Mandandanji #2</a>	QLD	NOT ACCEPTED	QC97/50-2	QUD6157/98
11/12/2006	27/11/1996	<a href="#">The Yaegl People</a>	NSW	ACCEPTED	NC96/38-3	NSD6052/98
11/12/2006	13/01/2006	<a href="#">Kalkadoon People #5</a>	QLD	ACCEPTED	QC06/2-2	QUD15/06
12/12/2006	14/10/1999	<a href="#">Ngadjon-Jii People #2</a>	QLD	ACCEPTED	QC99/30-2	QUD6027/99
15/12/2006	24/07/2000	<a href="#">Toby Smirke and Others on behalf of the Jurruru People</a>	WA	ACCEPTED	WC00/8-2	WAD6007/00

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/cgi-bin/search/search.pl?dec\\_date=2007&col=registration&sorttype=dec\\_date&disp=true&list=dec\\_date](http://www.nntt.gov.au/cgi-bin/search/search.pl?dec_date=2007&col=registration&sorttype=dec_date&disp=true&list=dec_date) accessed 30/01/07. For further information about Registration Test Decisions contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

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## Determinations

### Native title determinations by determination date

SHORT NAME	CASE NAME	DATE	STATE/TERR.	OUTCOME	LEGAL PROCESS
<a href="#">Ulladulla Local Aboriginal Land Council</a>	Ulladulla Local Aboriginal Land Council v New South Wales Native Title Services Limited (unreported, FCA, 13 December 2006, Jacobson J)	13/12/2006	NSW	NATIVE TITLE DOES NOT EXIST	UNOPOSED DETERMINATION

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) accessed 29/01/07. For further information about native title determinations contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

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## Indigenous Land Use Agreements

### Registered Indigenous Land Use Agreements by date

TRIBUNAL FILE NO.	NAME (NNTT HYPERLINK)	TYPE	STATE/TERR.	REGISTRATION DATE	SUBJECT MATTER
DI2006/002	<a href="#">Sandover Petroleum ILUA</a>	AREA AGREEMENT	NORTHERN TERRITORY	31/01/2007	PETROLEUM/GAS
VI2005/006	<a href="#">Gournditch Mara and Essential</a>	AREA AGREEMENT	VICTORIA	30/01/2007	PETROLEUM/GAS

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) accessed 01/02/07. For further information about Indigenous Land Use Agreements contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

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## **Future Act Determinations**

### **Future Act consent determinations by determination date**

<b>DETERMINATION DATE</b>	<b>NNTT FILE NO. (NNTT HYPERLINK)</b>	<b>DECISION/ DETERMINATION</b>	<b>PARTIES</b>
17/01/2007	<a href="#">WF06/85</a>	Consent determination: future act can be done	Eric Robert Brown (Applicant/grantee party) - and - The State of Western Australia (Government party) - and - Allan Bolton and Others on behalf of Southern Noongar (WC96/109) (Southern Noongar native title party) - and - Alan Bolton and Others on behalf Wagyl Kaip (WC98/70) (Wagyl Kaip native title party)
16/01/2007	<a href="#">WF06/84</a>	Consent determination: future act can be done	Wilma Freddie and Others on behalf of Wiluna (WC99/24) (Applicant/native title party) - and - The State of Western Australia (Government party) - and - Newmont Wiluna Gold Pty Ltd (Grantee party)
16/01/2007	<a href="#">WF06/49</a>	Consent determination: future act can be done	Aubrey Lynch and Others on behalf of the Wongatha People (WC99/1) (native title party) - and - The State of Western Australia (Government party) - and -

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/cgi-bin/search/search.pl?determination\\_date=2006&col=determinations&sorttype=determination\\_date&disp=false&list=determination\\_date&consent=yes](http://www.nntt.gov.au/cgi-bin/search/search.pl?determination_date=2006&col=determinations&sorttype=determination_date&disp=false&list=determination_date&consent=yes) accessed 29/01/07. For further information about future act determinations contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

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### Other Future Act determinations by determination date

DETERMINATION DATE	NNTT FILE NO. (NNTT HYPERLINK)	DECISION/ DETERMINATION	PARTIES
23/01/2007	<a href="#">WF06/21</a>	Future Act - Can be done	Martha Borinelli Arnold Franks and others on behalf of the Yued People (first native title party) - and - Raymond Dann Barry Dodd Wayne Warner Ron Ronan Rod Little Clarrie Cameron Rob Ronan Betty Forsyth Donna Ronan and Colin Whitby on behalf of the Amangu People (second native title party) - and - State of Western Australia (government party) - and - Empire Oil Company (WA) Limited (grantee party)
19/01/2007	<a href="#">WO06/368</a>	Future Act - Dismissed	Dora Sharpe and Others on behalf of the Gooniyandi (Combined #2) Native Title Claimants – (WC00/10) (native title party) - and - The State of Western Australia (Government party) - and - Kallenia Mines Pty Ltd (grantee party)
15/01/2007	<a href="#">WO06/263</a>	Objection - Dismissed	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 -  United Kimberley Diamonds 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=2006&col=determinations&sorttype=determination\\_date&disp=false&list=determinati on\\_date&consent=no](http://www.nntt.gov.au/cgi-bin/search/search.pl?determination_date=2006&col=determinations&sorttype=determination_date&disp=false&list=determinati on_date&consent=no) accessed 29/01/07. For further information about future act determinations contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

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