

Native Title Newsletter

Jan/Feb 2006

No. 1/2006

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WHAT'S NEW WITH THE NTRU!

- Native Title Conference 2006
- Wins for Rubibi & Yalanji people!
- NTRU call for papers: PBCs!

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

Rubibi

After more than ten years Yawuru claimants to the greater Broome area have had their links to this area acknowledged in a partial determination by Justice Merkel. The claim covers approximately 5,300 sq km and includes the town of Broome.

The determination recognises that:

- (a) the Yawuru community is a recognisable body of persons united in and by traditional laws and customs which, since sovereignty, have constituted the normative system under which the native title rights and interests in issue in the present case are being claimed ([366]-[369]);
- (b) under the traditional laws and customs acknowledged and observed by the Yawuru community, native title rights and interests in relation to the claim area are possessed by the Yawuru community which, by those laws and customs, has a connection with land and waters that are situated within that area ([370]-[376]); and
- (c) the rights and interests possessed by the Yawuru community are communal native title rights and interests

The remaining issues are:

- (a) the identification of the native title determination area;
- (b) the criteria for membership of the native title holding community;
- (c) the nature and extent of the native title rights and interests possessed by the native title holding community;
- (d) the native title rights and interests that have been extinguished.

Merkel J.'s reasons for judgement in *Rubibi Community v State of Western Australia (No 6)* (includes Corrigendum dated 15 February 2006) [2006] FCA 82 (13 February 2006) can be found at http://www.austlii.edu.au/au/cases/cth/federal_ct/2006/82.html

Western Yalanji

The Federal Court of Australia made a consent determination recognising the Western Yalanji People's non-exclusive native title rights over a pastoral property in far north Queensland on 17 February 2006. Under the determination and associated agreements, the Western Yalanji People will exercise their rights to carry out their traditional customs and activities in cooperation with other people and organisations who have interests in the area. The area is approximately 120 km north-west of Cairns and 70 km west of Mt Carbine (see map) and settles the question of native title on this area.




[Click to view detailed map \(PDF - 256KB\)](#)

This decision follows an earlier consent determination made by the Federal Court of Australia on 28 September 1998 which recognised the Western Yalanji People's rights to access the determination area in order to carry out their traditional customs and activities. Under the determination and associated agreements, the Western Yalanji People will exercise their rights in cooperation.

The consent determination settles the question of native title on this particular property and follows an earlier consent determination made by the Federal Court on 28 September 1998, in which the Western Yalanji People's native title rights were recognised on another part of the property. Known as the Western (Sunset) Yalanji

determination, it was the first consent determination to be made over a pastoral property in Australia (see map).

In this second determination, the Federal Court recognised the Western Yalanji People's non-exclusive native title rights and interests over the land and waters in the determination area. This outcome was achieved because parties with interests in the claimed area agreed, through negotiation and mediation,



that the Western Yalanji People are the native title holders for the area. As part of the determination negotiations, the parties have reached four other agreements, known as indigenous land use agreements (ILUAs), which establish how their rights and interests will co-exist in the determination area.

Related Links:

[Media release](#)

[Background information](#)

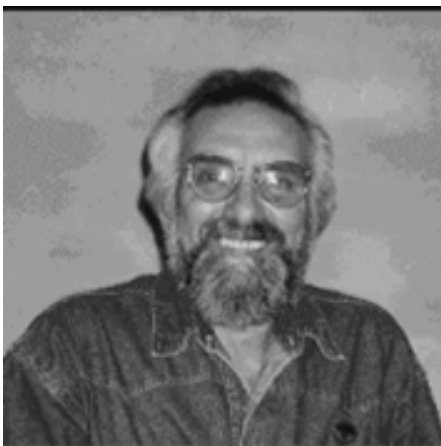
This information about the Western Yalanji determinations has been extracted from the National Native Title Tribunal's e-publication [Western Yalanji People native title determination – what it means and how it will work](#). Please visit <http://www.nntt.gov.au/publications/WYalanji3.html> for the full text of this article.

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CLAIMANT COMMENT

Balancing the scales of land justice in Victoria

Dr Wayne Atkinson



With the Melbourne Commonwealth Games fast approaching, Dr Wayne Atkinson reflects on the status of the fight for Indigenous land justice in and the Victorian government's shameful legacy and lack of political will to deal with the matter in a fair and just manner.

The path to Indigenous land justice in Victoria has been a hard and hollow one and the returns have been minuscule.

In 2006 the status of Indigenous land justice in Victoria is one that can be indicated with a dot on the map.

Indigenous Victorians have been returned the derisory amount of less than a half of one percent of their ancestral lands. Up until 1998 the amount of land held was 0.014 percent (100th of 1 percent), which in 2006 has increased marginally, but overall is still less than a half of one percent.

This amount does not include the 'consent agreement' reached by the claimants in the

Mallee-Wimmera region, 2005, which the court states is 'not a grant of native title'.


The agreement offers no ownership or exclusive rights over land and waters and provides for no more say over its management than settler interests.

The claimants traditional based rights to occupy possess and enjoy the two percent of their claim area along the Wimmera River have been normalised to the extent that their inherent rights to continue to camp, fish, and enjoy the land and waters as their ancestors have done, are treated the same as other Victorians. In exercising these rights they also will be required to comply with the imported Anglo laws and regulations that govern these activities. Should there be any inconsistency between the native title rights of the claimants and the rights of other license holders, the latter's rights prevail (*Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v State of Victoria* [2005] FCA 1795, 2005: 10-15). The question of whether this is land justice or continued dispossession by stealth is one of critical importance.

The nature of the title and the rights to land that has been returned to Victoria's original owners by way of Government grants, transfers and the purchase of land on the open market is worth noting.

Most of the land has been returned under inalienable freehold title including some small areas that contained Aboriginal cemeteries. Some of the land was granted and or purchased on the condition that it is used for Aboriginal cultural purposes, and in all of the lands acquired, the crown retains certain rights and interests including the right of veto over mining.

The lack of progress towards land justice in Victoria made by the current Brack's Labor government offers little joy to Indigenous



Victorians following the expressions of regret made by the last two outgoing Labor premiers, John Cain and Joan Kirner, during the height of the reconciliation process.

Regrets for not being able to do enough for Indigenous Victorians during their period of office are fine sentiments, but their failure to deliver is inevitably our loss.

Feelings of regret may well be exacerbated for the Brack's government which unlike its predecessors has the numbers and the power to deliver land justice to Indigenous Victorians on the basis of fair and just principles.

This should include the allocation of substantive capital to allow for land and cultural development.

Added to this rather embarrassing track record is the fact that Victoria stands alone in that it is the only state that has not introduced a formal state-wide land claims process for Indigenous claimants.

All other states and territories including Tasmania, (Aboriginal Lands Act 1995 (Tas), have introduced land claims processes that allow Indigenous claimants to achieve some degree of land justice on the basis of traditional and historic connections and on the basis of the need for land.

The hand-back of Cape Barron Island and Clark Island, to traditional owners in Tasmania is an example of what can be achieved through a state land claims process.

John Cain's commitments to land justice in the early 1980s had some success but his attempts to introduce a state land claims process, the Aboriginal Land Claims Bill, 1983, failed because he did not have the numbers in the upper house - a privilege that the current Government holds.

Whether this Government is morally and politically committed to rectifying the legacy of dispossession remains at the front of the unfinished business agenda.

The Minister for Aboriginal Affairs, Gavin Jennings and the Victorian Attorney General, Rob Hulls seem committed to this process. However Minister Jennings' ability to influence land justice issues through his party's whole of government approach to Indigenous issues, has chosen to prioritise changes to existing Aboriginal Cultural Heritage legislation. The exposure Cultural Heritage draft and its attempts to undermine the rights of ownership

and control of cultural heritage by Indigenous Victorians have already met with strong opposition from traditional owners.

Minister Jennings' ability to achieve greater positive social and economic outcomes for Indigenous Victorians is further exemplified in a radio interview in which he said that 'he is prepared to roll up his sleeves and get a bit of dirt on his hands' (Interview 3CR Radio, 2 August, 2005).

An obvious step for commitments like these to become political realities would be to set up a land claims process that will allow for a lot more dirt than that which has currently been returned to Victoria's traditional owners, and not to take away and or diminish any of those hard fought reforms in Aboriginal Heritage laws that Kooris achieved in the 1980s.

Rob Hulls goes much further by acknowledging the legacy of dispossession. In his talk at the announcement of the Wimmera determination in December 2005, Hulls admitted that "We are complicit in this atrocity, unless we can return autonomy and integrity to our relationships and reunite grieving custodians with the home lands they so love" (Sydney Morning Herald, January 9, 2006).

Fine sentiments again, but matching the rhetoric with the political action required to rectify complicity and to alleviate feelings of grief are the moral and political challenges that confront the government and Indigenous claimants in 2006.

Dr Wayne Atkinson is a Senior Lecturer, Indigenous Studies with the Department of Political Science at the University of Melbourne. He is a member of the Yorta Yorta and Dja Dja Whurrong Indigenous Nations of the Murray Goulburn and Central Victoria regions and has worked in Aboriginal Affairs for most of his life, specialising in research, writing, teaching Indigenous studies, and in land and heritage reform.

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An expanded version of this article will soon be available as a NTRU Issues Paper. If you are not on the Issues Papers mailing list please go to: http://ntru.aiatsis.gov.au/publications/issue_papers.html from the third week of March to download.

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FEATURE

Rubibi Interim Decision

Krysti Guest

On 13 February 2006, his Honour Justice Ron Merkel handed down his second interim decision in the Rubibi native title application, which includes the town of Broome¹. The decision follows a previous interim decision on 29 July 2005² and generally finalises the Judge's views on **connection**. The issues concerning **extinguishment** will be heard in early April and are expected to be finalised expeditiously.

Three keys aspects of the connection case were as follows.

- The contest by a group of indigenous respondents, the 'Walman Yawuru', that in accordance with a traditional clan based system, they were the correct native title holding group to the majority of the claim area, as opposed to the applicant's case that native title is communally held by the Yawuru community.
- The State's position that the northern half of the claim area (including Broome) was the traditional country of the Djugan, who were a different society to that of the Yawuru and operated under a different system of law and custom. The impact of colonisation destroyed the Djugan as a community and the Yawuru have since migrated into the Djugan's traditional country. In accordance with Yorta Yorta principles, it was not possible for the Yawuru to claim a traditional connection to Djugan country.
- The State's position that the Yawuru had not established the right of exclusive possession in the claim area, particularly in relation to the townsite, as colonisation had ensured that such a right had become unenforceable.

First Interim Decision on Connection

The findings in the first interim decision on connection were as follows.

- **The Yawuru community is a recognisable body of persons united in and by traditional laws and customs** which, since sovereignty, have constituted a normative system. This system has given rise to native

title rights and interests in the claim area possessed by the Yawuru community.

- There are **two traditions of law operating in the claim area** - referred to as the 'northern' tradition and the 'southern' tradition. These two traditions are kept separate in terms of practice but it is common for Yawuru men to go through both the northern and southern law.
- The **source** of the Yawuru community's traditional laws and customs is the southern tradition as laid down in the *Bugarrigarra*.
- The southern tradition formed part of the traditional laws and customs of the Yawuru community at sovereignty and is still acknowledged as governing all aspects of the traditional life of the Yawuru community. Whilst the present form and practice of these laws and customs has changed in significant respects from sovereignty, the changes do not take these laws and customs outside the normative system, on the grounds that traditional laws and customs are not fixed but evolve over time in response to new or changing social and economic exigencies.
- Native title rights and interests in the respective claim areas were, and still are, possessed only by and on behalf of members of the **Yawuru community and not by or on behalf of members of any of the clans constituting that community**. Hence the Walman Yawuru submissions failed. The anthropological evidence of the necessary relationship between language and territory was significant in this finding.


Second Interim Decision on Connection

Identification of the Native Title Determination Area and the Native Title Holding Group

In determining **whether the Djugan was a distinct tribe at sovereignty** with traditional ownership of the northern part of the claim area **or whether the Djugan were a sub-group of the broader Yawuru community**, the Judge noted that a difficulty in identifying the relevant native title community at and since sovereignty was that there little reliable anthropological or linguistic evidence which properly considered the differences between the Yawuru and the Djugan. However, the Court concluded that it was more likely than not that the Djugan and the Yawuru practised different traditions of law

¹ *Rubibi Community v State of Western Australia* (No 6) [2006] FCA 82 (13 February 2006)

² *Rubibi Community v State of Western Australia* (No 5) [2005] FCA 1025 (29 July 2005)



and were associated with different parts of the claim area at sovereignty.

Significantly, **these differences did not necessarily mean that since sovereignty the Djugan and the Yawuru each possessed their own discrete communal native title rights and interests.** In determining this issue, the Court gave particular weight to the views of senior Aboriginal people recorded prior to the commencement of the native title trial.

The Judge rejected the State's submissions that the appropriate inference from the practice of the two traditions is that two different traditional societies existed at sovereignty which gives rise to two different native title holding groups. The Court found that each of these traditions **is underpinned by and derived from the one source, the common belief in the *Bugarrigarra*.** This is reflected in the fact that many of the traditional laws and customs of each tradition were the same or substantially similar (eg the Djugan and Yawuru skin system). It is also reflected in the fact that participation by men in both laws is not regarded as creating a cultural conflict and this leads to the inference that the traditional laws and customs of the Yawuru community provided for the practice of both traditions in the Yawuru claim area. Whilst the Djugan had some cultural distinctions to the broader Yawuru community (for example practising primarily the northern tradition), **the *Bugarrigarra* designated the Djugan as being a sub-group of the Yawuru speaking community**

In coming to this conclusion, Merkel J noted that an important aspect of both the northern and southern tradition is that, under the *Bugarrigarra*, both traditions placed Yawuru language in Yawuru country and the evidence of senior law bosses from the region was that Yawuru country is where Yawuru language is spoken. The expert linguistic evidence was to the effect that Djugan and Yawuru were dialects of one language (Yawuru), although the speakers of the two dialects belonged to culturally distinct groups.

Aboriginal oral history from recordings both prior to the claim and during the trial points strongly to the Djugan being part of the contemporary Yawuru society. The Court found that since sovereignty, the Djugan sub-group have been absorbed into the broader Yawuru community and the practice of the northern tradition and other cultural distinctions

minimised. This absorption did not detract from the Yawuru's entitlement to Yawuru country, as it was no more than a cessation of the acknowledgment of some discrete traditional laws and customs acknowledged by a sub group. It does not mean that the communal Yawuru native title has expired in the northern part of the claim.

In the alternative, Merkel J noted that if he was incorrect and the Djugan did have native title rights and interests in the northern area discrete from the rights of the Yawuru community, then the Yawuru community had succeeded to those rights through an appropriate succession process.


Finally, an important issue arose in relation to whether a non Yawuru man known as 'Lulu' and his descendants ('the Goolarabooloo') were members of the Yawuru community. Through historical events, Lulu assumed the role of a senior law man in relation to both the northern and southern tradition of the Broome area. Accordingly, the Yawuru claimants argued that Lulu have been incorporated into the Yawuru community. Whilst the Judge accepted that incorporation had happened in a general way, he determined that because Lulu had never self identified as a member of the Yawuru community then he could not be part of **native title holding community** because traditional Yawuru laws and customs appear to require an element of self identification or 'direct election' to that community in these circumstances.

The Judge left it open for the Yawuru claimants to further argue that a principle of 'recognition' by the community was in accordance with traditional laws and customs and was sufficient for incorporation into a native title holding community.

Nature of Connection

Merkel J reiterated his earlier view that 'there is no simple dichotomy between the traditional laws and customs that are connected with land and waters and those that are not.' However, it was clear from a wholistic view of the laws and customs acknowledged by the Yawuru community that they have maintained the requisite connection to the land and waters in the claim area.

The native title rights and interests are possessed throughout the whole of the claim area and not merely in relation to particular sites.



Further, contrary to the significant submissions of the State, the claimants were entitled to exclusive possession (excluding the inter-tidal zone) in light of their right to 'speak for', and 'give permission' for access to, Yawuru country. Agreeing with Sunberg J in *Neowarra*,³ Merkel J determined that the existence of this right or permission is not undermined by the fact that it is difficult if not impossible to any longer enforce such a right.

Merkel J raised a concern at how the right of exclusive possession and occupation can operate in any practical way in urban and other areas of common use by the general community and indicated that, absent extinguishment, there may be an 'exception' in respect of exclusive possession for areas in common usage. He indicated this would be considered when the issues of extinguishment are finalised in April.

Finally, it was determined that within the inter-tidal zone, apart from the fact that the native title rights and interests claimed are non-exclusive, these rights and interests should be the same as the rights claimed in the land areas as there was no basis for such a distinction under traditional laws and customs.

Conclusion

The establishment of exclusive possession to the whole of the claim area is a significant victory for the Yawuru community, particularly in light of the history of intensive colonisation in Broome and the vigorous contest by non-indigenous and indigenous respondents over the past decade (both within and outside of the courtroom) to the legitimacy of the Yawuru's claim.

The Court's decision is consistent with the complex and flexible application of the requirements of 'connection' applied by the Full Court in the *Alyawarr*⁴ and *de Rose*⁵ cases and Sundberg J in *Neowarra*. However, the Yawuru will need to await the outcomes of the extinguishment submissions in April, including the important question of the effect of a declaration of the Broome townsite on native title, to reveal the practical implications of this victory.

³ *Neowarra v State of Western Australia* [2003] FCA 1401 (8 December 2003)

⁴ *Northern Territory of Australia v Alyawarr, Kaytetye, Warumungu, Wakaya Native Title Claim Group* [2005] FCAFC 135 (29 July 2005)

⁵ *De Rose v State of South Australia (No 2)* [2005] FCAFC 110 (8 June 2005)

Krysti Guest is a Senior Legal Officer at the Kimberly Land Council. She is currently on sabbatical with NTRU, researching native title and comprehensive agreement making.

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WHAT'S NEW

Legislation

NTA Reforms

[Information about the proposed NTRB reforms](#) is available at the [OIPC website](#). See also [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](#)

See also the [Attorney-General's](#) site at 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](#)

Please visit:

<http://www.ag.gov.au/nativetitlesystemreform> for more information about the reforms.

Other

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

[Amendments to the Mining Act 1978 \(WA\) Mining Amendment Act 2004](#)

The Mining Amendment Act 2004 (WA) was passed by Parliament on 26 October 2004 and, apart from the Warden's Court amendments, will be proclaimed and in operation from 10 February 2006. For more information visit: <http://www.doir.wa.gov.au/mineralsandpetroleum/>

Australia. Senate. Environment, Communications, Information Technology and the Arts Committee. [Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005](#). Canberra: Committees Hansard. 8 February 2006. [Aust - cultural heritage; legislation] Report of the committee of inquiry into the bill. For more information visit http://www.aph.gov.au/Senate/committee/ecita_ctte/atsiheritage2005/report/index.htm



Recent Cases: Australia

[Rubibi Community v State of Western Australia \(No 6\)\(includes Corrigendum dated 15 February 2006\) \[2006\] FCA 82 \(13 February 2006\) FEDERAL COURT OF AUSTRALIA](#)

NATIVE TITLE – whether groups with different cultural traditions can constitute a native title holding community – consideration of succession within a native title holding community – consideration of criteria for membership of a native title holding community – whether the native title holding community has exclusive possession of the claim area in which there has been no extinguishment. Please visit

http://www.austlii.edu.au/au/cases/cth/federal_court/2006/82.html to download.

[Cameron/Ernest Hoolihan, Hazel Illin, Elsie Thompson \(Gugu Badhun\)/State of Queensland\), \[2006\] NNTTA 3 \(30 January 2006\).](#)

NATIVE TITLE - future act determination application - proposed mining lease - no contentions or evidence submitted by the native title party - determination that the act may be done. Visit

http://www.nntt.gov.au/determination/11386676_20_3760.html for the Tribunal's reports

[Re Queensland Electricity Transmission Corporation Ltd \(trading as Powerlink Queensland\) and Bonner & Ors \[2006\] QLRT 8](#)

Aboriginal Cultural Heritage Management Plan - Approval – Proposed Electricity Transmission Line - Appointment Of Consultant - Rate Of Remuneration For Aboriginal Monitors Application to approve cultural heritage management plan. Go to

http://www.lrt.qld.gov.au/LRT/PDF/Powerlink2_8.pdf to download a PDF.

[‘Pooncarie’ Barkandji \(Paakantyi\) People v NSW Minister for Land & Water Conservation \[2006\] FCA 25](#) Stone J, 2 February 2006, Sydney

NATIVE TITLE – application to replace applicant in claimant application under s 66B of the *Native Title Act 1993* (Cth) – whether applicant no longer authorised by native title claim group – whether persons bringing application authorised by claim group to make the application and to deal with matters arising under it

[Koara People v State of Western Australia \[2006\] FCA 66](#) Nicholson J, 9 February 2006, Perth

NATIVE TITLE – right to negotiate – registration of claims under ‘old’ and ‘new’ Acts – ‘old’ and

‘new’ rights to negotiate – transitional provisions – amendment of application – application of new registration test to combined application of old claims by reason of new s 29 notices – duty to consider registration test following amendments – whether amendment of claim had the consequence of excluding application of transitional provisions – whether loss of continuing right to negotiate notwithstanding removal from Register – whether prior decision of single judge should be distinguished. Please visit

http://www.austlii.edu.au/au/cases/cth/federal_court/2006/66.html

[Stevenson v Yasso \[2006\] QCA 40](#)

PROCEDURE - INFERIOR COURTS - QUEENSLAND - where appellant contends the District Court lacked jurisdiction and issue should have been determined in the Federal Court - where appellant is one of a number of claimants in an undetermined native title claim under the Native Title Act 1993 (Cth) pending in the Federal Court - whether the appellant's pending native title claim prevented the appellant being prosecuted for an offence under the Fisheries Act 1994 (Qld) in the Magistrates Court or the District Court hearing.

PRIMARY INDUSTRY - FISH - OFFENCES - where appellant charged with unlawful possession of "commercial fishing apparatus" under s 84 Fisheries Act 1994 (Qld) ("the Act") - where appellant found not guilty of the charge in the Magistrates Court - where magistrate concluded that although the elements of the offence were made out the appellant was excused by s 14 of the Act as an Aborigine acting in the traditional way of an Aborigine taking fish by means of a net - where respondent successfully appealed to the District Court under s 222 Justices Act 1886 (Qld) - where District Court judge found that s 14 of the Act had no application for a charge under s 84 of the Act - whether s 14 of the Act has application to a charge under s 84 of the Act - whether s 84 of the Act applies to both commercial and non-commercial fishing apparatus

ABORIGINALS - CRIMES BY ABORIGINALS - CRIMINAL LIABILITY – where magistrate found that the appellant was able to rely on s 14 of the Act to excuse his possession of commercial fishing apparatus as he was an Aborigine and was acting in the traditional way of an Aborigine taking fish by means of a net - where District Court judge found that on the evidence the appellant was not an Aborigine - where District Court judge found that if the appellant was an Aborigine in order to rely on s 14 there needed to be evidence that he took fish under

Aboriginal tradition and there was no such evidence - whether the appellant was an Aborigine - whether the appellant produced sufficient evidence that he was in possession of the net by way of Aboriginal tradition - whether the Court should attempt an a priori enumeration of what must be proved to establish Aboriginal tradition as defined in s 36 Acts Interpretation Act 1954 (Qld) - whether the definition of Aboriginal tradition is best worked out in the context of actual cases
ABORIGINALS - GENERAL - APPLICATION OF LAW - where appellant contends that taking fish by means of a net is an Aboriginal tradition in accordance with s 14 of the Act - whether s 14 applies to modifications of Aboriginal traditions

CRIMINAL LAW - EVIDENCE - MATTERS RELATING TO PROOF - BURDEN OF PROOF - where District Court judge found that the appellant failed to discharge the burden of proof on him under s 14 of the Act of adducing some evidence of his Aboriginality and of possession of the net by way of Aboriginal tradition so that the prosecution were not required to negative the operation of s 14 of the Act - whether the burden of proof under s 14 of the Act
Go to

<http://www.courts.qld.gov.au/qjudgment/QCA%202006/QCA06-040.pdf> for a PDF of this determination.

[Davidson v Fesl \(No 2\) \[2005\] FCAFC 274](#)

Judgment date: 23 December 2005

CATCHWORDS: Aborigines - native title - costs - discretion to award costs - motion for leave to appeal - motion without merit - serving no practical benefit - costs awarded. Full text can be downloaded from

<http://www.austlii.edu.au/au/cases/cth/FCAFC/2005/274.html>

Now reported in the Federal Court Reports

[De Rose v State of South Australia \(No 2\) \(2005\) 145 FCR 290; \[2005\] FCAFC 110](#)

Judgment date: 8th June 2005

NATIVE TITLE - appellants claim native title rights and interests over land held under pastoral leases - Native Title Act 1993 (Cth), s 223(1)- the appellants claim as Nguraritja (traditional custodians) under the traditional laws and customs of the Western Desert Bloc - whether rights and interests claimed are group rights and interests - whether the evidence establishes that the appellants possess rights and interests under the traditional laws acknowledged and customs observed by them - whether the appellants had shown that they have a connection to the claim area by their traditional laws and customs. Go to

<http://www.austlii.edu.au/au/cases/cth/FCAFC/2005/110.rtf> for an rtf of this decision.

[Darlington Aboriginal Land Council v Minister for Lands and Ors \[2005\] FCA 1861](#)

The Court orders that:

1. No native title exists in Lot 562 in Deposited Plan 1010370 at Blue Haven, Local Government Area of Wyong, Parish of Munmorah, County of Northumberland.
2. Each party pay its own costs. Full text can be downloaded from
http://www.austlii.edu.au/au/cases/cth/federal_c/2005/1861.html

[Anderson & Anor v The Director-General of the Department of Environment and Conservation & Ors \[2006\] NSWLEC 12](#)

Judicial Review: whether decision to grant consent to destroy Aboriginal objects ultra vires - whether failure to consider relevant matters - whether decision to grant consent contrary to Racial Discrimination Act 1975 (Cth) s10. Go to <http://www.lawlink.nsw.gov.au/lecjudgments/2006nswlec.nsf/61f584670edbfba2ca2570d40081f438/ea4e7cc701ff4fe7ca2570f3001bc897?OpenDocument> to download.

[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. Go to http://www.austlii.edu.au/au/cases/cth/federal_c/2005/1716.html to download.

[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 post-hearing; 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. Go to <http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/cth/federal%5fct/2005/1567.html?query=sampi+v+state+of+western+australia+%28no+2%29+%5b2005%5d+fca+1567> to download.

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



http://www.austlii.edu.au/au/cases/cth/federal_court/2005/1578.html to download.

[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. Go to <http://www.lawlink.nsw.gov.au/lecjudgments/2005nswlec.nsf/d1efd3b3c2f68e%2005ca256736001f37be/top> to download.

[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. Go to http://www.austlii.edu.au/au/cases/cth/federal_court/2005/1795.html to download.

[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 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

Recent Cases-Other

[Navajo Nation v. U.S. Forest Service. US District Court of Arizona 11 January 2006](#)

A ruling against six Native American tribes that had sued to stop the expansion of a Forest Service ski area on Arizona's San Francisco Peaks. The tribes, which included the Navajo Nation, the Hopi Tribe, the Havasupai Tribe, the Hualapai Tribe, the Yavapai Apache Nation, and the White Mountain Apache Nation, all consider the peaks a sacred site and argued that the snowmaking plan would violate their rights under the Religious Freedom Restoration Act.

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Publications

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New and forthcoming releases

February

The Social Anthropology of Australian Indigenous Societies

Bruno David, Bryce Barker and Ian J. McNiven(eds)
ISBN 0 88575 499 0 RRP \$39.95



Insightful, interesting and at times provocative. A key text for understanding the development of Australian archaeology. *Claire Smith, President, World Archaeological Congress*

March

A Man of all Tribes: The Life of Alick Jackomos

Richard Broome and Corinne Manning

ISBN 0 85575 501 6 RRP \$39.95

No account of race relations in Victoria could be reliable, or complete, without a focus on Alick Jackomos. Ethnically Greek, he devoted his life to Aboriginal advancement, bringing sense to what were often pretty senseless situations. *Colin Tatz, Visiting Fellow in Political Science, Australian National University*

“To share the life of Alick Jackomos will be a privilege for those who read this story. Celebration of one’s life gives immense pleasure and provides an opportunity to acknowledge how people such as Alick shape and change attitudes from the grass roots to the top. Embracing each other’s culture is the ultimate catalyst for peace and unity. May the spirit of our ancestors be with you Alick Jackomos on your new journey.”
Joy Wandin Murphy, Senior Woman Elder of the Wurundjeri people and Professor, Swinburne University

April

Rob Riley: An Aboriginal Leader’s Quest for Justice

Quentin Beresford

ISBN 0 85575 502 4 RRP \$39.95

“The story of our mate is incredibly sad. The challenge for Quentin Beresford has been to tell the chapter of that story that is our mate’s alone. There will be those that feel betrayed and those whose hearts will be forever broken but our mate would have demanded honesty. The life portrayed in these pages will above all else challenge our capacity to look into this blighted page of our history and to deal with and understand the nature of our national racist cancer.” *Patrick Dodson, Broome*

“In this detailed and delicate biography, Quentin Beresford tells a story of triumph and of tragedy. I cannot think of a finer introduction to Aboriginal politics in the contemporary era. I urge all Australian citizens who care about reconciliation to read it.” *Robert Manne, Professor of Politics, La Trobe University*

New Releases

Cleared Out: First contact in the Western Desert

Sue Davenport, Peter Johnson and Yuwali

ISBN 0 85575 457 5 RRP \$45.00

This book has many things going for it — the superb maps and pictures, the clarity of narrative and the admirable restraint in

apportioning blame or making moral judgements. If anyone wants to know about how misunderstandings arose from the first moments of contact between white Australians and Aborigines throughout our shared history, then begin with this wonderful book. *Louis Nowra, Review of the Week, Sydney Morning Herald, 21-22 January 2006*

Aboriginal Australia Wall Map

A highlight of our latest titles is a new, pocket-sized version of the famous Aboriginal Australia wall map. LARGE: 841 x 1189 mm, RRP \$24.95, Flat ISBN 0 85575 491 5, Folded ISBN 0 85575 492 3 SMALL: 594 x 420 mm, RRP \$14.95, Flat ISBN 0 85575 496 6, Folded ISBN 0 85575 497 4

Other

Boer, Ben and Graeme Wiffen

Heritage law in Australia South Melbourne : Oxford University Press, 2006

Chapter 9. Aboriginal and Torres Strait Islander Heritage Law

Summary: This chapter canvasses the legislative framework concerning Aboriginal and Torres Strait Islander heritage.

Carter, Bevan & Lynda Nutter

Nyungah Land: Records of Invasion and theft of land on the Swan River 1829-1850. Nyungah Land is a collection of documents written by the British colonists. Nyungah Land is published by the Swan Valley Nyungar Community 2006 and the Lotteries Commission assisted with a grant towards research costs. Call Bevan Carter on (08) 9279 8777 or email bevjen@gmail.com for stockists and more information.


Connor, Michael

The invention of Terra Nullius : historical and legal fictions on the foundation of Australia

Paddington, N.S.W: Macleay Press, 2005

History books, school curricula and legal texts all treat terra nullius as the defining doctrine in the foundation of Australia and the dispossession of the Aborigines. The High Court’s Mabo decision was supposed to have overturned it. Michael Connor shows terra nullius is a myth. It was never a phrase used in the eighteenth or nineteenth centuries. It was only injected into Australian political and legal debate in the 1970s. Since then it has meant whatever its users want it to mean. He argues that the foundation of Australia was based on entirely different concepts and terminology.

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 2005 pp 1-18](#)

This article investigates the similarities and differences between the Australian and Canadian approaches to native title ('Aboriginal title' in Canada), by examining the obligations imposed on governments - by courts or legislation - in each country in the situation where native title has been asserted but has not been determined by a court to exist ('pre-proof' obligations).

Hunter, Rosemary and Mary Keyes eds. [Changing law: rights, regulation, and reconciliation](#) Hants, England ; Burlington, VT: Ashgate, c2005

Ishtar, Zohl de: [Holding Yawulyu: White Culture and Black Women's Law is about White Culture and its impact on Indigenous women's Law \(religion\) and customary practices. Mapping inter-cultural relationships as they are played out in a remote Aboriginal settlement in Western Australia's Great Sandy Desert, this book challenges white Australians to reconsider their relationship with Indigenous peoples. Unpacking white cultural practices, it explores the extraordinary difficulties which Indigenous women face when they attempt to maintain and pass their cultural knowledge, customs and skills on to their children and youth. It can be ordered through \[www.spinifexpress.com.au\]\(http://www.spinifexpress.com.au\)](#)

Loughton, Gavin. [Gumana v Northern Territory. Native Title News](#). 1 December 2005. Case note - the decision in the native title claim over land and sea in and around Blue Mud Bay in eastern Arnhem Land was handed down on 7 February 2005

Lea, Tess, Emma Kowal and Gillian Cowlishaw 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.macquarienet.com.au

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

Nakata, Prof Martin & Prof Marcia Langton eds: [Australian Indigenous Knowledge and Libraries](#), 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.

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

Popic, Linda
[Sovereignty in law: the justiciability of indigenous sovereignty in Australia, the United States and Canada Indigenous Law Journal Fall 2005 Vol 4 pp 117-157](#)

Despite recognising Indigenous title to land in the early 1990s, Australia's domestic law has consistently refused to accommodate Indigenous claims of sovereignty or self-government. Unlike other common law countries, Australia's High Court continues to propagate the legacy of terra nullius by maintaining that sovereignty claims are non justiciable by the courts of that state. It claims that the original assertion of sovereignty over Australia by the British is an "act of state" that cannot be challenged. By comparing the reasoning of the Australian High Court with that of the US Supreme Court and Canadian courts, I argue that the High Court's unwillingness to draw these claims into domestic jurisdiction reflects a construction of sovereignty that is unsustainable and unconvincing. Like its common law neighbours, Australia's highest court should acknowledge that the structure of authority in a state is a legitimate issue for its courts, and should deal substantively with the claims of Indigenous Australians.

Russell, Peter: [Recognising Aboriginal Title: The Mabo Case and Indigenous Resistance to English-Settler Colonialism](#) UNSW Press, 2006



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

Australian Institute of Health and Welfare. Child protection Australia 2004-05. Canberra : AIHW. 17 January 2006. This report is based on information from three national child protection data collections - child protection notifications, investigations and substantiations; children on care and protection orders; and children in out-of-home care.

Shaunnagh Dorsett and Lee Godden: *Interpreting customary rights orders under the Foreshore and Seabed Act: the new jurisdiction of the Maori Land Court* Victoria University of Wellington Law Review Vol 36 No 2 pp 229-255

Summary: The Foreshore and Seabed Act 2004 inaugurated a new jurisdiction for the Maori Land Court with respect to customary rights orders over areas of the foreshore and seabed. This article focuses on the customary rights orders provisions of the Act. While this new jurisdiction is entirely statutory, the language of the provisions reflects the common law "tests" for aboriginal rights and native title. This article looks, therefore, to the common law as a possible guide for interpretation of the CRO provisions. It concludes, however, that the statutory language of the Act provides an opportunity for New Zealand courts, and the Maori Land Court in particular, to forge a new body of jurisprudence, one which hopefully will avoid the strictures and inequalities of its common law equivalent.

Casenotes

De Rose v South Australia (No 2) [2005] FCAFC 110 Australian Indigenous Law Reporter Vol 9 No 3 2005 pp 32-38

Summary: Native title - Native Title Act 1993 (Cth) s 223(1) - appellants claiming native title on behalf of Nguraritja (traditional custodians) under traditional laws and customs of Western Desert Bloc community - whether asserting group or individual rights and interests - whether s 223(1)(a) requires proof that appellants have discharged traditional responsibilities as Nguraritja - whether evidence established that at least one appellant acknowledged traditional laws and observed traditional customs conferring rights and interests as Nguraritja - significance of non-fulfilment of traditional responsibilities as Nguraritja. Native title - extinguishment - whether improvements effected by lessee pursuant to terms of non-exclusive pastoral lease extinguish or merely suspend native title rights and interests - relationship between s 44H of the *Native Title Act 1995* (Cth) and s

361(1) of the *Native Title (South Australia) Act 1994*.

R v Marshall; R v Bernard 2005 SCC 43 Australian Indigenous Law Reporter Vol 9 No 3 2005 pp 57-58

Summary: Treaty rights – unauthorized logging – interpretation of 'truckhouse' clause – Aboriginal title and rights – requirement of exclusive possession – Royal Proclamation of 1763 and Belcher's Proclamation of 1762. Access the decision online:

R v Marshall; R v Bernard Supreme Court of Canada (McLachlin CJ and Major, Bastarache, LeBel, Fish, Abella and Charron JJ) 2005 SCC 43 <http://www.canlii.org/ca/cas/scc/2005/2005scc43.html>

Sampi v Western Australia [2005] FCA 777 Australian Indigenous Law Reporter Vol 9 No 3 2005 pp 40-47

Summary: Native title - native title determination application - recognition of native title - Native Title Act 1993 (Cth) – native title claim group - whether two distinct societies at sovereignty - continuity and evolutionary change post-sovereignty - clan and family estates - whether native title held by native title claim group or distinct estate groups – whether native title lost - nature of relationship to land and waters - offshore rights - intertidal zone - reefs - operation of Native Title Act 1993 (Cth) ss 47A and 47B - whether pearl oyster farm lease is a commercial lease - whether lease for aquacultural purposes - whether extinguishment of ceremonial and subsistence rights by pearling legislation.

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Online Publications

AIATSIS

Strelein, Lisa: [Native title-holding groups and native title societies: Sampi v State of Western Australia](#) [2005] Land, Rights, Laws: Issues paper No. 4, Volume 3. Australian Institute of Aboriginal and Torres Strait Islander Studies. Please go to: <http://ntru.aiatsis.gov.au/ntpapers/ip03v4.pdf> to download

CAEPR

Hunt, J. [Capacity development in the international development context: Implications for Indigenous Australia](#) 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. Please go to <http://www.anu.edu.au/caepr/discussion2.php#278> to download.

Lange, Christina. [Local Governance in Remote Regions-Models & Issues Governance and Service Delivery in Wiluna](#). Please go to http://www.anu.edu.au/caepr/Projects/Gov_and_service_in_Wiluna_CLange.pdf to download

Sanders, W. [Being a good senior manager in Indigenous community governance : working with public purpose and private benefit](#). Canberra : Centre for Aboriginal Economic Policy Research, ANU. 1 February 2006. [Aust - communities; management; remote areas] This paper seeks to understand the role of being a senior manager in Indigenous community governance, particularly though not exclusively in remote Aboriginal communities. Please go to http://www.anu.edu.au/caepr/Publications/DP/2006_DP280.pdf to download.

Sullivan, Patrick: [Strange Bedfellows: Whole-of-Government Policy, Shared Responsibility Agreements, and Implications For Regional Governance](#). CAEPR-Reconciliation Australia ICG Research Project Workshop with WA and Australian Government Partners Perth, WA October 2005. Please go to http://www.anu.edu.au/caepr/Projects/Regional_Gov_PSullivan.pdf to download.

Taylor, J. [Indigenous people and the Pilbara boom: a baseline for regional participation](#). CAEPR research monograph no.25 This study examines the dynamics of demand for Indigenous labour in the region, and the capacity of local supply to respond. A special feature of this study is the inclusion of qualitative data reporting the views of local Indigenous people on the social and economic predicaments that face them. Please visit http://epress.anu.edu.au/caepr_series/no_25/pdf_instructions.htm to download.

Taylor, J. [Tracking change in the relative economic status of Indigenous people in New South Wales](#) 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. Please go to <http://www.anu.edu.au/caepr/discussion2.php#277> to download.

HREOC

[Social Justice Report 2005](#). Sydney : HREOC. 16 February 2006. [Aust - social justice; health; government policy] This report covers the period from 1 July 2004 to 30 June 2005. It considers two issues that are of major concern : health status of Indigenous Australians and the new arrangements for the administration of Indigenous affairs. Please go to http://www.hreoc.gov.au/social_justice/sjreport05/index.html to download.

Aboriginal and Torres Strait Islander Social Justice Commissioner. [Native title report 2005](#). Sydney : HREOC. 16 February 2006. [Aust - native title; land rights; privatisation; home ownership] The report examines some of the issues that have arisen during the debate around the National Indigenous Council Land Tenure Principles and proposed changes to the communal nature of land interests to promote individual home ownership. Please go to http://www.hreoc.gov.au/social_justice/ntreport05/index.html to download.

[Rights of Passage: A Dialogue with Young Australians about Human Rights](#) Human Rights and Equal Opportunity Commission, Sydney, November, 2005. Please go to http://www.humanrights.gov.au/human_rights/rights_of_passage/download/rights_of_passage.pdf to 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. Please go to <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](#). Please go to http://www.humanrights.gov.au/racial_discrimination/face_facts/ to download.

National Native Title Tribunal

Please visit the NNTT website at www.nntt.gov.au to download any of these publications.
[Native Title Hot Spots, Issue 17](#)-recommended for legal practitioners.

[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.

[NNTT Indigenous Fishing Bulletin November 2005](#)

[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.

[Traditional hunting with firearms in National parks](#). NNTT Research Unit

The purpose of this review is to provide information to parties who may wish to engage in dialogue on the use of firearms by Aboriginal people for traditional hunting in national parks; for example, in relation to an Indigenous Land Use Agreement (ILUA) over land that includes a national park or designated wilderness area.

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](#) .

[What's New in the Library, Issue 12](#), December 2005.

[Guide to Australian Government Funding Sources](#). NNTT Research Unit

The Guide to Australian Government Funding Sources provides information on funding and assistance available in all states and territories from Australian Government departments and their agencies, for initiatives which may be associated with native title and related agreements. Examples of such initiatives include indigenous economic and social development, land management, conservation and cultural heritage protection.

[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.

Quinn, Raine. [Pastoral agreements : Content Ideas](#). National Native Title Tribunal. 1 January 2006. [Aust - land use agreements; pastoral properties] This guide presents an overview of content ideas for agreements between pastoralists and native title parties

Jumbunna Indigenous House of Learning


McCausland, Ruth: [Briefing Paper No. 3: The 'New Mainstreaming' of Indigenous Affairs](#) December 2005 Ngija Institute for Indigenous Law, Policy and Practice, Jumbunna Indigenous House of Learning, University of Technology, Sydney Please visit http://www.jumbunna.uts.edu.au/news/downloads/mainstreaming_05.pdf to download.

McCausland, Ruth: [Negotiating Shared Responsibility Agreements: A Toolkit](#) December 2005 Ngija Institute for Indigenous Law, Policy and Practice. Please visit http://www.jumbunna.uts.edu.au/news/downloads/Toolkit_negotiating_SRA.pdf to download.

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. Please visit <http://www.aph.gov.au/library/pubs/bd/2005-06/06bd067.pdf> to download.

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. Please visit <http://www.aihw.gov.au/publications/index.cfm/title/10183> to download.

Australian Public Service Commission. [State of the Service Report 2004-05](#). Canberra : APSC. 28 November 2005. Please visit <http://www.apsc.gov.au/stateoftheservice/0405/index.html> to download.

Australian Securities and Investment Commission: [Dealing with bookup: a guide](#) 2005. Please visit <http://www.fido.gov.au/bookup> to download.

Transcript: [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 Bellear, Charles Budby, Martin Dore, David Galvin, Tony Johnson, Graeme Neate, Marnie Parkinson, Trevor Robinson, Peter Whalley, Murradoo Yanner, and Justine Yanner. Please visit <http://www.aph.gov.au/hansard/joint/commtee/J8919.pdf> to download.

[Caring for Country: Moving towards sustainable resource use and biodiversity conservation. A report from the Premier's Round Table on Sustainability \(SA\)](#)

The Round Table proposes six pillars for management of natural resources over the next 50 years:

- * Best available science used to set and apply targets for healthy ecosystems and to improve management outcomes.
- * Integration of government planning and regulation.
- * Whole of government partnerships with the community to drive changes in management and resource use, and new tools to help achieve those changes.
- * A long-term, landscape scale approach to management of our natural systems.
- * Indigenous people as land managers.
- * Wide community engagement to generate increased willingness to invest in natural resource management. Please visit

http://www.denr.sa.gov.au/sustainability/pdfs/roundtable/caring_for_country_report.pdf to download.

[Report on Government Services 2006 - Productivity Commission Media Release](#)

The Report on Government Services 2006 has been released. Further information on the Report is summarised in the Fact Sheets. Please visit

<http://www.pc.gov.au/gsp/reports/rogs/2006/me-diarelease.html> to download.

Vanstone, Amanda. [Indigenous Land Corporation](#). Canberra : Senate Hansard. 8 February 2006. [Tas - ILC; land acquisition] Response to a question on notice from Chris Evans regarding Indigenous Land Corporation (ILC) activities in Tasmania. Please visit http://parlinfoweb.aph.gov.au/piweb/view_document.aspx?TABLE=HANSARDS&ID=2303917 to download.


Vanstone, Amanda. [Indigenous Land Corporation](#). Canberra : Senate Hansard. 8 February 2006. [Aust - ILC; land acquisition] Response to a question on notice from Chris Evans regarding the Indigenous Land Corporation (ILC). Please visit http://parlinfoweb.aph.gov.au/piweb/view_document.aspx?ID=2303881&TABLE=HANSARDS&TARGET to download.

Vanstone, Amanda. [Beyond conspicuous compassion : Indigenous Australians deserve more than good intentions](#). Canberra : Minister for Indigenous Affairs. 7 December 2005. [Aust - government policy; shared responsibility; mutual obligation; land rights; economic development; home ownership; remote areas; education] Her speech to the Australia and New Zealand School of Government, ANU. Please visit http://www.atsia.gov.au/media/speeches/07_12_2005_ANZSOG.htm to download.

Vanstone, Amanda. [Native Title Representative Bodies](#). Canberra : Senate Hansard. 8 February 2006. [Aust - native title representative bodies] Response to a question on notice from Chris Evans on Native Title Representative Body (NTRB) funding arrangements. Please visit <http://parlinfoweb.aph.gov.au/piweb/Repository/Chamber/Hansards/Linked/4467-2.PDF> to download.

[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. Please visit <http://www.alc.org.au/news/alra/> to download.

Australia. Parliament. Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund. [Native title representative](#)



[bodies](#). Canberra : Committees Hansard. 29 November 2005. [Aust - native title representative bodies] Transcript of the public hearing in Canberra; witnesses were Iain Anderson, Paul Griffiths, Steven Marshall, Greg Roche and Peter Vaughan. Please visit <http://www.aph.gov.au/hansard/joint/commtee/J8977.pdf> to download.

Australian Bureau of Statistics. [Aboriginal and Torres Strait Islander population](#). Year Book Australia. Chap. 5. 20 January 2006. [Aust - population; cultural identity] Changing social attitudes, political developments, improved statistical coverage and a broader definition of Indigenous origin have contributed to the increased likelihood of people identifying as being of Aboriginal or Torres Strait Islander origin. Please visit <http://www.abs.gov.au/Ausstats/abs@.nsf/94713ad445ff1425ca25682000192af2/6d079a849e90237aca2570de00065ff5!OpenDocument> to download.

Barlow, Karen. [Cabinet reshuffle sees Mal Brough take the reins of Indigenous Affairs](#). ABC. 25 January 2006. [Aust - Aboriginal and Torres Strait Islander affairs portfolio; FaCS] Transcript of the AM radio program; the former Assistant Treasurer has welcomed his promotion, although critics and prominent Aboriginal figures say he faces an enormous challenge. Please visit <http://www.abc.net.au/am/content/2006/s1554723.htm> to download.

Other

Behrendt, Larissa. [The Australian Dream : Indigenous Peoples in an Australian Republic](#). ABC. 25 January 2006. [Aust - republicanism; disadvantaged groups; Indigenous rights] Transcript of the Perspective radio program; the proper measure of laws and institutions is to test them by how well they work for the poor, the marginalised and the culturally distinct. Please visit <http://www.abc.net.au/rn/talks/perspective/stories/s1555131.htm> to download.

Brackertz, Nicola. [Community consultation and the 'hard to reach': concepts and practice in Victorian local government](#). Melbourne: Institute for Social Research, Swinburne University of Technology. 1 December 2005. [Vic - local government; consultation; community development] Aims to identify the conceptual and practical difficulties associated with including hard to reach groups in consultation. Please visit http://www.sisr.net/cag/docs/HardtoReach_mai

[n.pdf](#) to download.

[Brough to focus on health](#). SBS News. 25 January 2006. [Aust - Aboriginal and Torres Strait Islander affairs portfolio; FaCS] Australia's incoming Indigenous Affairs Minister Mal Brough has promised to focus on improving health and education in Aboriginal communities in his new role. Please visit <http://www9.sbs.com.au/theworldnews/region> to download.

[Reshuffle reaction](#). Sydney Morning Herald. 25 January 2006. [Aust - Commonwealth ministers; Aboriginal and Torres Strait Islander affairs portfolio; FaCS] Incoming Indigenous Affairs Minister Mal Brough has promised to focus on improving health and education in Aboriginal communities in his new role as minister for families, community services and Indigenous affairs. Please visit <http://www.smh.com.au/news/national/reshuffle-reaction/2006/01/25/1138066826667.html> to download.

[Deaths in custody in Australia : National Deaths in Custody Program annual report 2004](#). Canberra : Australian Institute of Criminology. Jacqueline Joudo and Marissa Veld overview the characteristics of the 67 deaths in police or prison custody in 2004, including Indigenous status. They also present an analysis of prison deaths since 1980 and police custody deaths since 1990. Please visit <http://www.aic.gov.au/publications/tbp/tbp019/> to download.

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 Behrendt on '[The End of ATSIC](#)' Visit <http://democratic.audit.anu.edu.au/> for more information.

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

Karvelas, Patricia. [Switch puts focus on Indigenous issues](#). Australian. 25 January 2006. [Aust - Commonwealth ministers; Aboriginal and Torres Strait Islander affairs portfolio] Aboriginal issues have been brought



into the political and administrative mainstream with John Howard's move yesterday to combine Indigenous Affairs with the Families and Community Services portfolio. Please visit <http://www.theaustralian.news.com.au/printpage/0,5942,17930359,00.html> to download.

Khadem, Nassim. [Shift for Indigenous affairs](#). The Age. 25 January 2006. [Aust - Aboriginal and Torres Strait Islander affairs portfolio; FaCS] The Prime Minister's decision to shift the Indigenous affairs portfolio for the fourth time under his leadership has been cautiously welcomed by Labor and Indigenous leaders. Please visit <http://www.theage.com.au/news/national/shift-for-indigenous-affairs/2006/01/24/1138066793031.html> to download.

Thomson, Neil. [Cultural respect and related concepts : a brief summary of the literature](#). Australian Indigenous Health Bulletin. 1 October 2005. [New Zealand; United States - health services; cultural and cross-cultural awareness training; international comparisons] Outlines the nature and development of the concept of cultural respect. Please visit http://www.healthfonet.ecu.edu.au/html/html_bulletin/bull_54/reviews/bulletin_reviews_thomson.pdf to download.

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

[The National Indigenous Languages \(NILS\) Survey Report \(2005\)](#)

The *National Indigenous Languages Survey Report 2005* highlights that:

- Of an original estimated 250 known Australian Indigenous languages, only 18 languages are now considered 'strong' and have speakers in all age groups.
- About 110 Indigenous languages are still spoken by older people but are endangered.
- Words and phrases are still in use and there is community support in many parts of the country for reclamation and learning programs for many other languages which are no longer fully spoken.
- Communities around Australia possess many of the elements required to keep Indigenous languages strong or to reclaim them. They have skilled and devoted language workers and

teachers, excellent teaching materials, good documentation of languages and active community language centres.

Please visit http://www.dcita.gov.au/indig/maintenance_indigenous_languages/publications to download.

Download information:

(PDF format, size 2.6 MB) Table of Contents

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Parts 1 to 4 (RTF format, size 1.8 MB)

Part 5a (RTF format, size 2.6 MB)

Part 5b (RTF format, size 1.6 MB)

Parts 6 to 7 Appendix a to e (RTF format, size 2.5 MB)

Part 7 Appendix F a (RTF format, size 1.8 MB)

Part 7 Appendix F b (RTF format, size 3 MB)

Bibliography (RTF format, size 35 KB)

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Upcoming Events

Conferences

[24-26 May 2006 Native Title Conference 2006: Tradition & Change](#)

NTRU are pleased to announce that the 7th Annual National Native Title Conference 2006, co-convened with the Northern Land Council and hosted by the Larrakia Nation will be held at the Esplanade Holiday Inn, Darwin. Please visit <http://ntru.aiatsis.gov.au/events/conference.html> for more information.

The International Institute for Indigenous Resource Management and the National Tribal Environmental Council announce a workshop on

[The Environmental, Political, Cultural, Economic, and other Implications of Energy Development in Indian Country](#)

22-23 March 2006

Radisson Hotel Denver Stapleton Plaza

3333 Quebec Street

Denver, CO 80207

Call Merv Tano at 303-733-0481 for information and registration materials.

Mervyn L. Tano

President

International Institute for Indigenous Resource Management

444 South Emerson Street

Denver, Colorado, USA 80209


Voice: 1-303-733-0481; FAX: 1-303-744-9808;

Mobile: 1-720-341-4755

E-mail: mervtano@iirm.org

[Indigenous Service Delivery: Achieving sustainable outcomes through collaboration and capacity building](#)

Conference: 22 & 23 March



Post-conference workshops
21-24 March
Convened by the International Quality and Productivity Centre
Website: <http://www.iqpc.com.au/cgi-bin/templates/singlecell.html?topic=221&event=9184>

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

National Museum of Australia in Canberra
March 30 & 31
The Conference aims to give primacy to Indigenous narratives/history/experience at the time of first contact with outside nations (and the effects of these contacts) and also to make explicit statements about the (pre)existence of Aboriginal and Torres Strait Islander land and seascapes. This Conference is particularly relevant given there will be commemorations of the 'discovery' of Australia in 1606 and the current and ongoing debates about *Terra Nullius* in the mainstream media.
For more information please contact *Strangers on the Shore* Chair Rupert Gerritsen on 0414471936.
Website:
<http://www.strangersontheshore.com.au/>

Other

AIATSIS Seminar Series

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

SEMINAR 1

DATE: Monday 6th March 2006
TIME: 12.30pm to 2.00pm
VENUE: Mabo Room, AIATSIS, Lawson Crescent, Acton Peninsula, Canberra
SPEAKER: Dr Gordon Briscoe
TOPIC: The creation of a New National Trachoma Program History from an Aboriginal perspective, 1970 - 1985

BIOGRAPHY: Gordon is a Marduntjara/Pitjantjatjara speaking man from the Northern Territory. He received his primary education in South Australia, and was involved in national Aboriginal and Torres Strait Islander politics from the 1960's to the present time. Gordon played an important role in the National Trachoma Program in the 1970' and 80'. Gordon has an academic background in Australian History, and is a continuing Research Fellow in the RSSS at The Australian National University, and has recently been appointed a Distinguished Visiting Research Fellow at AIATSIS.

ASP Book Launches:

'A Man of all Tribes: the life of Alick Jackomos' to be held at Museum Victoria on the 3rd of April
'Cleared Out: first contact in the Western Desert' to be held at the Perth International Writers' Festival on Sunday 26 February.

**The Ancestors' Voices:
Speaking through the Object**

A cultural exchange between Indigenous Australians and First Nation Peoples of Canada held in conjunction with the exhibition *People of the Cedar: First Nations Art from the Northwest Coast of Canada*. The invisible world becomes visible in the stunning masks and sculptural forms of the northwest coast of Canada. The artist/carver is guided by the ancestors and becomes a medium through which the ancestors speak to generations of First Nation Peoples. The forum will show the profound role of objects in the maintenance of culture, the spiritual power invested in them and their political function. Like the use of art and artefacts in the Native title claims today in Australia, these objects prove cultural connection to time and place, in a world where other cultural, economic and political realities often collide.

Thursday 2 March 2006
2.00pm – 5.00pm
Visions Theatre
National Museum of Australia
Lawson Crescent, Acton Peninsula, Canberra

Darwin premiere of Kim McKenzie's (CCR ANU) latest film 'Fragments of the Owl's Egg'. March 1, 1pm at the Holiday Inn Esplanade Hotel, Darwin. The venue is the ballroom of the old Beaufort Hotel, now called "Holiday Inn Esplanade", different from the "Holiday Inn Darwin" which is next door at 122 Esplanade.

ANU Anthropology Seminar Series 2006 Anthropology Program Seminar Series— First Semester 2006


All seminars take place on Wednesdays at 9:30am in Coombs Seminar Room A (An abstract will be circulated in the week preceding the seminar). [convener: phillip.winn@anu.edu.au]

March 1

Tim Rowse – Research School of Social Sciences, ANU.

Title: 'The public occasions of Indigenous selves: a reading of Indigenous autobiographies'

March 8



Serge Dunis – University of the French Pacific
Title: 'A jade and mythological itinerary from Ancient China to Polynesia, via Taiwan'
March 15

Nicolas Peterson – School of Archaeology and Anthropology, ANU

Title: '“I can't follow you on this horde-clan business at all”: Donald Thomson, Radcliffe - Brown and a final note on the horde'

March 22

Andrew Kipnis – Research School of Pacific and Asian Studies, ANU

Title: 'Education and New Kinship Theory: parental/State interactions in child socialization'

March 29

Patrick Kilby – School of Archaeology and Anthropology, ANU

Title: *TBA*

April 5

TBA

Mid-semester Break April 10-April 21

April 26

TBA

May 3

Andrew Walker – Resource Management in Asia-Pacific Program, ANU

Title: 'The abbot, the knickers and the son of the Buddha: modern Thai community in rural Chiang Mai province'

May 10

Patrick McConvell – AIATSIS

Title: '“Kariara” and “Tetradic” section systems as primordial: a reality check from Australia and Peru'

May 17

TBA

May 24

Francesca Merlan – School of Archaeology and Anthropology, ANU

Title: *TBA*

May 31

Melinda Hinkson – School of Archaeology and Anthropology, ANU

Title: 'Stanner and Makerere: on the “insuperable” challenges of practical anthropology in post-War East Africa'

Indigenous Researchers Forum (IRF)

25 – 27 September, 2006

Adelaide, South Australia

[Registration Form](#)

[Preliminary Program Schedule](#)

The Indigenous College of Education and Research will be hosting this event in 2006.

Areas of Focus will include:

- [Indigenous Methodologies](#)
- [Lay-Knowledge in Research](#)
- [Implications for Future Research](#)

Important Dates

Registration close: 1st September, 2006

Call for submission of abstracts: 26th May, 2006

Deadline for completed papers: 28th July, 2006

For further information please contact Leanne Smith

Telephone: 08 8302 6784

Facsimile: 08 8302 7034

Email: leanne.smith@unisa.edu.au

20 Apr 2006 [Community Development in a 'Global Risk Society'](#) Deakin University, Melbourne, Australia. Go to

<http://www.conferencealerts.com/seeconf.mv?q=ca1ahih3> for more information.

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. Go to

<http://www.conferencealerts.com/seeconf.mv?q=ca1ahih3> for more information.

27-30 September, 2006 [AAS Annual Conference 2006 Beyond Science and Art: Anthropology and the Unification of Knowledge](#) James Cook University, Queensland, Australia. Go to

<http://www.aas.asn.au/default.htm> for more information.

Recent Events


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

Thursday 9 February to Saturday 11 February 2006, Melbourne Museum.

24-25 February 2006: [Rhizomes: Re-Visioning Boundaries a conference for postgraduates](#), University of Queensland.

26 Feb 2006 [Sharing the Fish - Allocation Issues in Fisheries Management](#) Fremantle Australia.

27-28 February 2006 [Refugee Crises in the Twenty-First Century: Asia-Pacific Perspectives and Responses Workshop](#) Australian National University, Canberra. Hosted by the Asia Pacific Regional Migration Forum



Please RSVP to
Jennifer.Badstuebner@anu.edu.au
Project Officer

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Opportunities

Call for papers: National Native Title Conference 2006

AIATSIS and the Northern Land Council are calling for papers or workshop presentations at the *Native Title Conference 2006: Tradition and Change*. To submit an abstract of the paper or workshop, please complete the call for papers submission form, attach an abstract and biographical details and email to ntru@aiatsis.gov.au. Submissions will only be accepted in electronic format and must include all requested information, including details about audio-visual requirements. A call for NTRB workshops will be made in the next couple of weeks. Wednesday 24 May 2006 will be open to native title representative body and native title service delegates only. This is an opportunity for NTRB/NTS staff to discuss native title practice issues. A Working Group of NTRB/NTS representatives will be convened to set the program for the NTRB/NTS Workshops. We will be accepting workshop abstracts under the same conditions as those stated above. For the Public Program we are seeking 20 minute papers that deal with the following themes:

- 30 years on: land rights and its influence on native title
- Towns, communities and development
- Sea rights
- Creating economic opportunities

The number of available spots for papers/workshops is strictly limited. Papers will be chosen on merit, and applicability to overall themes and streams of the conference. Presenters are expected to register and pay for their attendance at the conference.

Closing Date for receipt of abstracts is **Friday 24 March 2006**. Submissions will only be accepted with a completed cover sheet and should be sent to: ntru@aiatsis.gov.au

Enquiry into the provisions of the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 The Committee has received advice from the Minister of Families, Community Services and Indigenous Affairs that the Corporations (Aboriginal and Torres Strait Islander) Miscellaneous and Transitions Bill (the Transitional Bill) will not be available until the Spring Sitting of Parliament. In light of the above, the Committee has sought leave to


extend the inquiry's reporting date to 14 September 2006. The committee would welcome any further submissions that you may wish to make once the exposure draft of the Transitional Bill is released by the Government. Further information - including the deadline by which any further submissions must be lodged with the committee - will be posted on the committee's website once the Transitional Bill is released. Please contact the Secretariat on (02) 6277 3560 if you require further information.

Looking After Country Grants: Indigenous communities can now apply for \$300,000 worth of land care grants to help tackle issues of loss of biodiversity, soil erosion and destruction of cultural resources. The funding, a partnership between the Aboriginal Lands Trust (ALT) and the Indigenous Land Corporation (ILC), with administrative support from the Department of Indigenous Affairs (DIA), encourages Indigenous landowners and managers to maintain, protect and preserve natural and cultural resources across the WA. Communities can apply for individual grants of up to \$20,000 for on-ground land care projects such as the restoration of degraded environments or heritage sites, community greening, riverbank stabilisation and feral animal control. Grants are not restricted to ALT-held land or to lands acquired by the ILC. Projects can be located on lands acquired by or on behalf of Indigenous communities through other sources, or can be located on land not held by Aboriginal people. Round 2 application closing date: 5pm Friday, 3 March 2006. Go to <http://www.dia.wa.gov.au/DIA/Funding/Land/default.aspx> for more information.

Call for proposals for a two-year post-doctoral fellowship at Emory's Institute for Comparative and International Studies (ICIS), beginning fall, 2006. As described in the enclosed theme statement, the interdisciplinary focus is "States of Inclusion." Applications are encouraged from a wide range of social science and humanities perspectives, including anthropology, cultural studies, international relations, history, liberal arts, literature, sociology, political economy, political science, women's studies, and related fields. During 2006-07, we will hold four graduate seminars in relation to our general theme:

- "Subaltern Citizens and their Histories"
- "States at Risk, States of Development"
- "Empire and Nation in East Asia"
- "Gender, Globalization, and Location"

The ICIS post-doctoral fellow will aid in developing the "States of



Inclusion" theme in relation to one or more of the above seminars and will teach one undergraduate course per semester. Details are described herein. The deadline for post-doctoral fellowship applications is March 7, 2006; submission is by e-mail attachment. Procedural and logistical queries should be made directly to Corina Domozi at cdomozi@emory.edu

Phd Scholarship: "Let's Start Evaluation Project"

Explore the outcomes of early intervention for Indigenous pre-school and primary school children in urban and remote communities of the Northern Territory. Charles Darwin University and its industry partner, the Northern Territory Department of Employment, Education and Training, are seeking a PhD student (ARC Australian Postgraduate Award – Industry) with a background in the behavioural sciences, psychology or early education. The successful applicant will work in the School for Social and Policy Research and will develop a significant component of the evaluation of the Let's Start Early Intervention program. Applicants must meet entry requirements for enrolment in a PhD program at CDU. They should have substantial training in research methods. Experience working with Indigenous people in the field of community-based, or child- or family-focused interventions will be an advantage. 3 year scholarship with a tax-free stipend of \$24,650 For further information about the project contact Dr Gary Robinson, 08 8946 6893 or email gary.robinson@cdu.edu.au. For application forms contact Ms Rachel Mayhead, 08 8946 6548 or email Rachel.mayhead@cdu.edu.au. Closing date for applications 1 March 2006

Phd & Masters Scholarships: Desert Knowledge Research Centre

The Desert Knowledge Cooperative Research Centre (DK-CRC) seeks applications from potential PhD or Masters by Research candidates to undertake research with outcomes that clearly align with its key priorities. Indigenous students and recipients of APA, University or equivalent scholarships are encouraged to apply. Potential applicants must read the DK-CRC Strategic Directions 2005-2010 documents at www.desertknowledge.com.au/crc.

In particular, the DK-CRC is looking for research projects that relate to one of the following topics:

1. Livelihoods based on managing natural and cultural heritage
2. Key industry opportunities in remote areas

3. Supporting small business in desert Australia
4. Viability of desert settlements
5. Services to settlements
6. Desert regions as integrated systems

All potential applicants must contact the DK-CRC Program Managers Craig James (craig.james@csiro.au) for topics (1), (2) or (3) and Alice Roughley (alice.roughley@csiro.au) for topics (4), (5) or (6) to discuss their applications prior to submission. Preference will be given to applicants who can demonstrate past experience working in desert environments. Closing date is Monday 27th March. **Further information**


DK-CRC Education Coordinator Alicia Boyle
Email: alicia.boyle@cdu.edu.au or Phone: 08 8946 7267, 0408 175 832
or access application details at www.desertknowledge.com.au/crc

Certificate of Native Title Studies. The Certificate of Native Title Studies will allow students to undertake study of selected aspects of Native Title Law and Practice without enrolling in, or intending to complete a full Bachelor of Laws degree and to obtain an appropriate exit award. It will also provide an enrolment option for students – both domestic and international – seeking only to enrol in a small number of specialised Native Title Studies subjects, whether for general interest or for professional or work purposes. For more information please contact H Harold Koch, Senior Lecturer in Linguistics and Head, School of Language Studies
Baldessin Precinct Building (# 110)
The Australian National University
Canberra ACT 0200 Australia T: +61 2 6125 3203
F: +61 2 6125 3252

Call for Submissions

Exchange, the graduate student journal of the Department of Anthropology at the University of Chicago, invites submissions for its Spring 2006 issue.

Exchange seeks submissions of four types:
1. Imponderabilia (approximately 3500 words): Thought pieces or commentaries, which present a critical engagement with a broad range of possible subjects. Submissions may, but need not, be in response to or in dialogue with current issues of a pressing social, political or even methodological nature. For the Spring 2006 issue, we specifically encourage submissions that address the recent elections in the Palestinian Territories; the publication of cartoons depicting the Prophet Muhammad; political analyses of the Supreme Court



confirmation hearings, the Bolivian elections, and reconstruction efforts in New Orleans. Photo-essays and short films are also welcome.

2. Research articles (approximately 8000 words): Articles that draw upon and reflect the diverse and specialized training and research of our contributors.

3. Reviews (approximately 1000 words): Critical and creative engagements with books, films, sound recordings, television programs, and exhibits. We regularly receive new books for review; should you like an assignment, please contact us with your areas of interest.

4. Letters & Notes (approximately 250 words or less): May include responses to articles published in Exchange, notes from the field, announcements, professional information and concerns. Deadline for submissions for our Spring 2006 issue is February 24, 2006. In general, submissions should be in accordance with The Chicago Manual of Style, 14th edition. See the American Anthropological Association Style Guide for an outline. (http://www.aaanet.org/pubs/style_guide.htm). Electronic submissions are preferred. Please send articles or inquires to:

exchangesubmissions@gmail.com

Paper submissions should be addressed as follows:

Exchange
Department of Anthropology
1126 E. 59th St.
Chicago, IL 60637

[Indigenous Protected Areas Programme Review - 2006- Call for Submissions](#)

The Indigenous Protected Areas Programme is part of the [National Reserve System Programme](#) which aims to establish a network of protected areas which includes a representative sample of all types of ecosystems across the country.

Through this programme, Indigenous landowners are being supported to manage their lands for the protection of natural and cultural features in accordance with internationally recognised standards and guidelines for the benefit of all Australians. The Australian Government is evaluating the Indigenous Protected Areas Programme to assess:

- The Programme's contribution to the National Reserve System including a consideration of the issues of comprehensiveness, adequateness and representativeness.
- The cost-effectiveness of this contribution.

- The achievement of whole-of-Government social, educational and economic outcomes.
- The contribution of the Programme to the establishment of partnerships with private organisations, landholders and State and Territory jurisdictions.
- The manner and degree to which the programme meets the needs and aspirations of Indigenous participants.
- Programme management effectiveness.

Closing date: Friday 31 March 2006

For further information on the Indigenous Protected Areas Programme contact the Department by email or post at the address below.

email: ipa@deh.gov.au

post: Indigenous Protected Areas
Programme Review
Department of the Environment and
Heritage
GPO Box 787
Canberra ACT 2601
Australia

[Australian Indigenous Leadership Centre: Canberra National Certificate II Program](#)

7 day residential program 3 - 9 May 2006. The AILC invites applications from Aboriginal and Torres Strait Islander people for a seven day residential leadership program to be held in Canberra from 1-7 March or 3-9 May 2006. Applicants should demonstrate their commitment to leadership and Indigenous affairs. Up to 24 sponsored positions are available for this rigorous program that will focus on seven key areas of study:


- * Leadership
- * Indigenous Leadership
- * Representation
- * Governance
- * Relationships and Networks
- * Engagement and Participation
- * Your Leadership

Closing dates for applications: Friday March 17th 2006 for the May course

For further information, including application forms: visit the AILC website at www.indigenousleadership.org.au email ailc@indigenousleadership.org.au phone the AILC on 02 6273 0022 or write to AILC, PO Box 4110, KINGSTON ACT 2604

[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. Visit the website for details regarding conditions and eligibility.



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.

Call for papers: [Africa's Indigenous Science and Knowledge Systems](#)

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. Go to <http://www.partnerships.org.au/PolicyConference2006.htm> for more information.

Call for papers: Papers are sought for the inaugural volume of a new peer-reviewed journal, [After Culture: Emergent Anthropologies](#). The first issue is planned for release in September 2006, and thereafter will be published semi-annually (in March and September) and made available free through the internet (URL forthcoming). After Culture is currently seeking article manuscripts which focus on the interactions between nature, culture and society, or are in the general thematic areas of science and technology studies or critical studies of medical knowledge and practice. Contributors are encouraged to employ any form of rigorous theoretical and methodological approach, not limited to ethnography, historiography and textual analysis. Manuscripts should range between

8,000-10,000 words in length, be paginated, and bear the title and author's name and affiliation on a cover page. Please also include a 200-250 word abstract, a list of keywords, and word count on the first page of the manuscript. In addition to research articles and book reviews, the editors would like to include within the first volume short essays in response to the title of the journal. For example, what might it mean to live "after culture," or to produce academic work without culture as an explanatory tool? Or, how is culture still relevant? Alternatively, responses to ideas of "emergence" and "anthropology" in its broadest sense are also welcome. These essays should range between 3,000-5,000 words. All submissions may be sent to after.culture@gmail.com. For the purposes of citation, please employ AAA citation practices, which are available at http://www.aaanet.org/pubs/style_guide.htm. Send all inquiries to Matthew Wolf-Meyer, Managing Editor, at after.culture@gmail.com. Further information can be found at <http://www.tc.umn.edu/~wolf0358/afterculture.htm>.


Call for contributions: AAS Newsletter

The next issue of the AAS Newsletter is due out in mid-March 2006. The editors would be grateful for contributions such as:

- (A) titles and abstracts of Masters and PhD theses in anthropology that were awarded in the past 12 months;
- (B) notices of forthcoming conferences;
- (C) brief reports on recent conferences;
- (D) notable appointments, retirements or honours received;
- (E) postgraduate events and activities;
- (F) short book reviews or brief notices regarding important new publications;
- (G) short articles on issues of importance to the discipline;
- (H) notices and articles of importance to the Society.

Please forward electronic contributions to either:
Peter Dwyer pddwyer@unimelb.edu.au
Mary Patterson marycp@unimelb.edu.au
or forward a hard copy to AAS, LPO Box 8099, ANU, Canberra ACT 2601. Deadline for submissions to be included in the March issue is March 3rd.

Indigenous Heritage Grants: Indigenous heritage program grants of up to \$100,000 are available from the Local Government Association of the Northern Territory to Indigenous organisations or not-for-profit



bodies. Individual Indigenous applicants can apply for up to \$5000. For 2006-2007 projects that deal with places with coastal or maritime Indigenous heritage values which have or potentially have, outstanding heritage value to Australia measured against one or more of the National Heritage List criteria will be favourably considered. Applications close on 22 February. For more phone (08) 8936 2888.

The Foundation for Young Australians is calling for applications for 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.


Australian National University: New Masters Programs in Indigenous Policy

The ANU's Master of Applied Anthropology and Participatory Development (MAAPD) Program now has a specialisation in Indigenous Policy. The MAAPD (Indigenous Policy) program will suit those people who are working in indigenous organisations, government, non-government organisations, and as independent consultants, and who wish to develop their Indigenous Policy expertise by pursuing a professional program, in which they can be mentored by Indigenous policy experts. If you would like to engage in a stimulating program of enquiry at a Master's level at the ANU, which will help them in their day-to-day development work, then visit the website <http://rspas.anu.edu.au/maapd/ip> which has full details of the program. Enrolments are still

open for first semester 2006. The ANU's Master of Applied Anthropology and Participatory Development (MAAPD) now has a specialisation in Gender and Development. The MAAPD (Gender) program is aimed directly at development practitioners including NGOs, donor and recipient Government officials, and consultants who wish to develop their gender expertise in development work by pursuing a professional program. It also has an added advantage in that the core courses can be taken through distance education means and there are intensive on campus electives also available. If are interested in this program you might like to visit the website <http://rspas.anu.edu.au/maapd/gender>, which has full details of the program. Enrolments are still open for first semester 2006. Masters in Participatory Development (MAAPD) The ANU's Master of Applied Anthropology and Participatory Development (MAAPD) program is now entering its fourth year of teaching and is taking enrolments for those who wish to commence studies in first semester 2006. This program is aimed at development practitioners including consulting company, official aid agency, and NGO staff who have to grapple with the issues of designing, implementing, monitoring, and evaluating development programs and projects on an everyday basis. It also has an added advantage in that the core courses can be taken through distance education, and there are intensive on campus electives also available. If you are interested in this stimulating program then visit the website <http://rspas.anu.edu.au/maapd> which has the full details of the program. Enrolments are still open for first semester 2006. For further information on any of these three exciting programs please email maapd@anu.edu.au or patrick.kilby@anu.edu.au.

Fremantle seeks Nyoongar advisors: The City of Fremantle invites nominations for its new Nyoongar Advisory Committee, to replace the Aboriginal Reference Group which has operated since 1999. The reference group helped the city develop its Policy for Respect, Recognition, and Conciliation 2000. The group decided a more formal committee was needed to review and implement the policy. Meetings will be once a month. Submit nominations by 3pm Friday 13 January. For more phone Cultural Development Coordinator Lou Westbury on 9432 9716 or email <mailto:LouW@fremantle.wa.gov>.

Curtin bridging course welcomes Indigenous students: Curtin University's Centre for Aboriginal Studies (CAS) now



welcomes applications for its 2006 Semester 1 Aboriginal Bridging Course. The Indigenous Students Admissions Procedure will be held at CAS on 8 February. This course starts on 27 February. The course caters for and supports students who want to improve their skills and qualifications in a culturally-affirming teaching and learning environment. All interested Aboriginal and Torres Strait Islander people (17 years or older) are encouraged to apply. For more phone (08) 9266 7091.

Museum worker scholarships: Museums, galleries and cultural centres can now nominate museum workers for Museums Australia (WA) 2006 Chapter Scholarships, which provide travelling scholarships in each of the organisation's eight chapters. The scholarship includes registration at the 2006 Museums Australia (WA) State Conference in Albany and an internship at a member institution. Closing date is 24 March, 2006. To nominate or for more information email mailto:ma_wa@museum.wa.gov.au or phone (08) 9427 2770.

Museums Australia (WA) now welcomes nominations for awards that recognise and celebrate the achievements of individuals and organisations that advance the work of museums, galleries and cultural centres. Inspiring or displaying best practice, inclusiveness, leadership, innovation and cultural enrichment are some of the ways the industry is advanced. Entries close 28 April 2006, and will be presented at the State Conference in Albany in July 2006. For more phone Elizabeth Hof on 9427 2770 or email mailto:ma_wa@museum.wa.gov.au

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Employment

Research Associate: Centre for Aboriginal Economic Policy Research

Academic Level A

Fixed Term -- 3 years Full-time or fractional (to be negotiated)

Salary Range: \$49,690 - \$59,963 pa plus generous super

Reference: CAEPR 3252

The Centre for Aboriginal Economic Policy Research seeks to appoint one Research Associate (Level A). The Research Associate will be appointed in association with ARC Discovery Project 'DP0666662' that will identify the processes that improve Indigenous participation in social and economic life of Australia. The historical nature of Indigenous

disadvantage will be modelled using the concepts of social exclusion and social capital--especially how the 'excluded' fail to build productive social networks. Candidates should hold a Ph.D. in Social Sciences or a related discipline prior to appointment, and should have experience in conducting in-depth interviews and analysis of qualitative data. A proven ability to work with indigenous community would also be desirable.

Dr Boyd Hunter will have overall responsibility for all aspects of the research, including the development of a detailed research plan, supervision of quantitative and qualitative analyses, specification of the principal research instruments, overseeing the design and implementation of the focus group and questionnaire instruments Professor David de Vaus is a leading sociologist, based at La Trobe University, with internationally recognised expertise in survey design and research methodology who will work closely with Dr Hunter in the design and analysis of interview data.

The position is available from the first half of 2006. Appointment will be for up to three years.

The Centre will consider proposals to fill the positions by secondment. The Centre for Aboriginal Economic Policy Research particularly welcomes applications from indigenous people and women.

Enquiries: Dr Boyd Hunter E:


Boyd.Hunter@anu.edu.au

Closing Date:* Wednesday 1 March 2006

Social Scientist: Australian Invasive Animals Co-operative Research Centre

\$61444 - \$68535 pa Ref No. 06/2029

The Australian Invasive Animals Co-operative Research Centre is dedicated to developing practical, cost-effective and socially acceptable products and strategies to reduce pest animal damage in Australia. The CRC has several national locations. This position will be based in the Adelaide Office (Unley). We seek an enthusiastic and well qualified quantitative social scientist. The position will be responsible for undertaking collaborative national research into the social impacts of different invasive animals at Demonstration Sites around the country, benchmarking community attitudes and investigating how the use of existing and new technologies and strategies can affect community attitude and on-ground action. The research integrates with development and commercialisation of innovative invasive animal control products and strategies. The successful applicant will be flexible, particularly in relation to interstate travel, and able to work with limited



direction. This is a full time position for a fixed term of 3 years, with possibility of extension. Closing Date: 17 March 2006
The University is an EO employer offering excellent conditions and benefits including generous superannuation.
For more information on this position and how to apply, go to our website at <http://www.canberra.edu.au/jobs> or call 02 6201 2607 (24 hours).
How to apply: Position documentation, contact details and information on the University, conditions of employment and how to apply are available from our website on www.canberra.edu.au/jobs or by calling 02 6201 2607 (24 hours). Applications must address the Selection Criteria, and include the University's Cover Sheet.

Native Title Anthropological Consultancy

A group in Mackay Qld. are seeking an anthropologist to complete a Native Title Report already begun by a consultant who unfortunately became ill and had to leave the area. Interested and suitably qualified persons should contact Ms. Karen Paiyo on 0424992992 email; karen_paiyo@iprimus.com.au

Manager-Anthropology - [Central Land Council](#)

CLC are seeking an experienced Anthropologist who wishes to advance the interests of Aboriginal land owners in Central Australia. The Central Land Council is a Commonwealth Statutory Authority established under the *Aboriginal Land Rights (NT) Act 1976* to represent Aboriginal people in the southern area of the Northern Territory in the acquisition and management of their traditional lands. The CLC also performs related functions as the area's Native Title Representative Body under the *Native Title Act 1993*. We are seeking to fill the following senior position:

(PN 4006)

SOG B – SOG A (\$75,280 – \$88,202)

The Position: Under broad direction of the CLC Director, this position is responsible for the effective coordination and management of the Anthropology Section functions and staff, ensuring compliance with CLC's statutory functions under the *Aboriginal Land Rights (Northern Territory) Act 1976* and *Native Title Act 1993*. The position is based in Alice Springs and involves some travel to outlying Aboriginal communities.

Employment Conditions: Employment is under an initial 3 year contract with a 4 month probation period. The Council's PBI status enables negotiation of a remuneration package

of circa \$100+k plus generous conditions. CLC also offers five weeks annual leave plus airfare and other employee entitlements as per the CLC Enterprising Bargaining Agreement. Relocation assistance is available. For information about the position: phone David Jagger on 08 8951 6245 or email david.jagger@clc.org.au

For Job Description and Selection Criteria: Visit the web site at www.clc.org.au, e-mail jobs@clc.org.au, fax 08 8953 8037 or phone Debbie Bruce on 08 8951 6309. Closing date: 13th March 2006.

Anthropologist- [Central Land Council](#)

The Central Land Council is a Commonwealth Statutory Authority established under the *Aboriginal Land Rights (NT) Act 1976* to represent Aboriginal people in the southern region of the Northern Territory in the acquisition and management of their traditional lands. The CLC also performs related functions as the Native Title Representative Body under the *Native Title Act 1993*. CLC are seeking to fill the following position with an anthropologist keen to advance the interests of Aboriginal land owners in Central Australia.

(PN 4021)

ASO 5 – ASO 6

The Position: Effectively carry out the CLC's anthropological functions in the northern part of the CLC region, including the identification of and consultation with traditional owners regarding land use proposals and the protection of sacred sites. The position is ideally based in Tennant Creek and involves travel to surrounding areas and Aboriginal communities. It could instead be based in Alice Springs.

The Person: Tertiary qualifications in anthropology or a related discipline are essential, as is sensitivity to the issues Aboriginal people face today. Experience working with Aboriginal people is desirable.

Employment Conditions: Employment is under an initial 3 year contract with a 4 month probation period. The Council's PBI status enables negotiation of a remuneration package of \$60-70k plus generous conditions. CLC also offers five weeks annual leave plus airfare and other employee entitlements as per the CLC Enterprising Bargaining Agreement. Relocation and Rental assistance may be available.

Contact: Please phone David Jagger on 08 8951 6245 should you wish to discuss the details of this position.

Job Description and Selection Criteria: Visit the web site at www.clc.org.au, e-mail jobs@clc.org.au, fax 08 8952 5107 or phone Debbie Bruce on 08 8951 6309.

Closing date: 13 March 2006.



Principal Research fellow: Environmental Anthropology

Job Level: Research Academic Level C

Location: Townsville

Closing Date: 10 March 2006

Reference: 6049

Position Statement

The Centre of Excellence in partnership with James Cook University's School of Anthropology, Archaeology and Sociology (SAAS) is seeking to fill a tenured research position with the appointment of an environmental anthropologist with an exceptional research record who has the expectation of achieving a personal chair within five years. Applicants should have an outstanding publication record, a growing international profile and a willingness to engage with natural resource scientists under the umbrella of an ARC Centre of Excellence. The successful candidate will take a lead role in building up a research team of outstanding graduate students enrolled in SAAS with strong cross linkages to the Centre of Excellence.

Duties and Accountabilities

1. Major role in the development of a research program in Ecological and/or Environmental Anthropology
2. Establish a research cluster within the School of Anthropology, Archaeology and Sociology with cross links to the ARC Centre of Excellence for Coral Reef Studies
3. Conduct research independently and as part of a team which contributes to the achievement of the aims of the ARC Centre of Excellence, particularly the research program for Resilience of linked Social-Ecological systems
4. Contribute to the research culture and intellectual life of the School of Anthropology, Archaeology and Sociology
5. Undertake an active program of external research fund raising and promotion of links with external bodies
6. Supervise honours and postgraduate students
7. Publish research in high quality journals.
8. Graduate and undergraduate teaching. In the first instance, the candidate will be engaged full time in research activities for three years. A transitional arrangement for a further two years will involve a 50% teaching load within the School of Anthropology, Archaeology and Sociology after which the candidate will be based full time in the School.

Key Selection Criteria

1. PhD in Environmental Anthropology or a related discipline with at least five years postdoctoral experience
2. Demonstrated aptitude for leadership of research teams

3. Exceptional publication record
4. Demonstrated ability to attract research funding
5. International profile in a relevant research field
6. Experienced PhD supervisor
7. Established links (national and international) with appropriate research organisations and personnel
8. Demonstrated effective interpersonal and communication skills
9. Willingness to work in a team environment involving close collaboration with School and ARC Centre staff and students

Desirable Selection Criteria

1. Experience in working a cross-disciplinary environment with marine ecologists
2. Experience with research end-users and industry partners
3. Active ethnographic research in Australia and or the Asia Pacific region

Enquiries to

Name: Professor Terry Hughes

Phone: 07 4781 4000

e-mail: Terry.Hughes@jcu.edu.au

Name: Dr Rosita Henry

Phone: 07 4781 4231

e-mail: Rosita.Henry@jcu.edu.au

Employment Type

Employment will be full-time on a continuing basis subject to a probationary period.

Equal Opportunity in employment is University policy.

The University reserves the right to invite applications or not to make an appointment. Salary is the equivalent of Senior Lecturer C \$74059 to \$85184. Benefits include generous employer superannuation contribution and attractive options for salary packaging.

Method of Application Procedures

Please forward a CV, statement of research interests, pdfs of recent publications, email addresses of three potential referees, and a cover letter which addresses the selection criteria to Recruitment Officer, Human Resources, James Cook University Townsville, Queensland 4811 or e-mail jcu.recruitment@jcu.edu.au. Please quote reference number 6049.

Enquiries to Human Resources telephone: 61 (0) 7 4781 5012

Apply on line from


<http://www.jcu.edu.au/app/jobs/positiondetails.cfm?reference=6049>

Senior Court Officer: Federal Court

Location: Melbourne

Federal Court Staff 3

Hours: Part Time 4 days per week




Salary range: \$42,001 - \$45,331
Closing date: 9 March 2006

Duties

Provide administrative and technical assistance with a strong emphasis on client service in a court environment. Oversee duties, training and development of court officers and ensure all court commitments are properly co-ordinated and maintained. Assist with the provision of video conference and teleconference facilities.

Selection Criteria

- (a) Some knowledge of Court registry and courtroom procedures.
- (b) Very good clerical and computer skills, in particular accuracy and attention to detail.
- (c) Some familiarity with computerised case management systems.
- (d) Good administrative and organisational skills.
- (e) Sound interpersonal skills with the ability to liaise effectively with a wide range of people.
- (f) Ability to work well as a member of a team with a strong client focus.
- (g) Well-developed oral communication skills.
- (h) Initiative and adaptability.

 [Printer Friendly version](#) of job description and selection criteria.

Send applications to:

District Registrar
Federal Court Registry VIC
305 William Street
Melbourne VIC 3000

Contact Officer: Phone Lauren McCormick 03 8600 3341 or email:

Lauren.McCormick@fedcourt.gov.au

Relief Personal Assistant (Casual): Federal Court

Location: Perth

Federal Court Staff Level 4

Salary range: Full-Time Equivalent \$46,814 - \$50,828 plus 15% casual loading

Closing Date: 10 March 2006

The Federal Court is seeking a mature and experienced Personal Assistant to provide secretarial and administrative support services to Judges of the Court on a casual and as required basis. The successful applicant would be expected to be available for duty for at least one day a week. An initial period of full-time training and familiarisation will be provided. Applicants should have well-developed secretarial, word processing, organisational and interpersonal skills. Prior work in a legal environment would be desirable, and the position would suit a semi-retired Personal Assistant or legal secretary. Selection for this position will be on the basis of specified selection criteria.

Applicants must submit a written application addressing the selection criteria.

Selection Criteria

Knowledge and Abilities

- Ability to organise workload and achieve deadlines within strict time constraints.
- Ability to undertake less complex research tasks

Experience and standard of work performance


- Experience in provision of administrative and secretarial support services.
- Experience in the operation of word and data processing.

Personal Qualities

- Interpersonal skills of a high order including the ability to liaise effectively with Judges and their staff, court personnel, members of the legal profession and the public
- Initiative and flexibility

Other requirements

- Willingness to undertake flexible work arrangements

 [Printer Friendly version](#) of job description and selection criteria.

Applications must be received by 4.30 pm on 10 March 2006 and should be forwarded to:
Manager Administration
Federal Court of Australia
Registry (Western Australia)
Level 6 Commonwealth Law Courts
1 Victoria Avenue
PERTH WA 6000

Or email: Barbara.Duncan@fedcourt.gov.au

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NATIVE TITLE IN THE NEWS

National

27-Feb-06 **Judge criticised over Mabo ruling**, Historian Michael Connor has criticised former High Court judge Gerard Brennan by claiming that the High Court judges were "confused in their usage of the term terra nullius" and that Australia's occupation is better understood as an "annexure of territory". However, Sir Anthony Mason, Professor Suri Ratnapala and Emeritus Professor Garth Nettheim have all dismissed the implications claimed by Connor that the Mabo decision hinged on the understanding of this term. "The question was what was the consequence of the sovereignty of the British Crown over Australia" said Professor Ratnapala. "The principle that people who are occupying land have some rights that need to be dealt with by the colonising country was always part of British law" said Professor Nettheim., Australian, 27-Feb-06, pg 5, Weekend Australian, 25-Feb-6, pg 7 & 22

22-Feb-06, **CSIRO claim native title 'a key risk' to uranium mining**, Documents leaked to the Canberra Times have revealed that the CSIRO has identified native title as a 'key risk for both engagement and science' for an ambitious national mining research program. The CSIRO Staff Association have attacked the program, claiming that its support for uranium mining is 'policy prescriptive' and that it has compromised the organisations scientific independence by making it a 'lobbyist for the uranium industry'. Dr David Cooper, speaking for Australians for Native Title and Reconciliation said 'there is no evidence to show native title has been a limitation to well-conducted mining operations in this country'. Canberra Times, 22-Feb-06, pg 1

14-Feb-06, **Native Title Report 2005 and Social Justice Report 2005 tabled**, The Native Title Report 2005 and Social Justice Report 2005 were tabled in Parliament on 14 February 2006. The Native Title report offers a detailed discussion of the relationship between land tenure and economic development by HREOC ATSI Social Justice Commissioner Tom Calma., Release of Native Title and Social Justice Reports 2005, Media Release, Attorney-General the Hon Phillip Ruddock, 14-Feb-2006

04-Feb-06, **Historian questions the origins of the concept of terra nullius**, Dr Michael Connor, a historian and honorary research fellow at the University of Tasmania, in his book "The Invention of Terra Nullius", has challenged


the commonly held view that British settlement of Australia was built on the concept of terra nullius. Dr Connor argues that the phrase 'terra nullius' was hardly known and rarely used before the 20th century. In addition, the meaning of the term in international law was 'land or territory under no recognised sovereign' and has been extended in recent years to include 'uninhabited territory', 'land of no-one' and 'territory with no system of private tenure'. Weekend Australian, 04-Feb-06, pg 17

03-Feb-06, **Blow out in costs and waiting times in Federal Court attributed to native title cases**, According to the annual report of the Steering Committee of Government Services, the Federal Court is struggling to keep control of costs amid protracted resolution of native title claims. Court spokesman, Bruce Phillips, said "native title hearings commonly occupy months, usually in remote locations. These cases often progress slowly for reasons, including lack of resources, quite outside the control of the Court." Figures provided to federal parliament show if native title cases were left out, the Federal Court's backlog would be about the same as other superior courts. A Productivity Commission report shows that the costs to tax payers of finalising matters in the Federal Court is 6 times as high as in the state Supreme Courts. Australian Financial Review, 03-Feb-06, pg 82, Australian, 10-Feb-06 pg 27

25-Jan-06, **Office of Indigenous Policy Coordination shifts to Department of Family and Community Services**, The Office of Indigenous Policy Coordination is to be moved to the newly established Families, Community Services and Indigenous Affairs Department because of 'potential synergies'. The Prime Minister's decision to shift the Indigenous Affairs portfolio for the fourth time under his leadership has been cautiously welcomed by Labor and Indigenous leaders. Mal Brough will become Minister for the Department. The Age, pg 2, Australian Financial Review, pg 5

New South Wales

16-Feb-06, **Biamanga and Gulaga national parks to be handed back to Yuin people**, Bimanga and Gulaga National Parks, including the sacred Mumbulla Mountain will be formally handed back to Yuin traditional owners. Decisions about the future management of the parks will now be made by a Board of management with a traditional owner majority. The NSW National Parks and Wildlife Service will continue to be responsible for ground works



in the parks. "These mountains are part of everyone" said TO Mary Duroux "We've always known Aboriginal people were custodians of this land but what's changed is that's now recognised by Government". Eden Imlay Magnet, 16-Feb-06, pg 5; Canberra Times, 18-Feb-06, pg 4

10-Feb-06, **Concerns expressed by Aboriginal Housing Company about impact of development plans for Redfern**, Draft plans have been released by the Minister for Redfern Waterloo, Frank Sartor, which propose rezoning the Block in Redfern from 'residential' to 'mixed use' and a revamp of Redfern Railway Station. Mr Mick Mundine, chair of the Aboriginal Housing Company which owns the Block, says the zoning changes will kill any hope for affordable home ownership for Aboriginal people. Redfern was the site of urban land rights when in 1973, Gough Whitlam brought about the Aboriginal Housing Company and affordable homes on the Block. Sydney Morning Herald, 10-Feb-06, pg 6; Sydney Morning Herald, 15-Feb-06, pg 17

09-Feb-06, **NSW/QLD: Santos and Wangkumarra go head to head**, The Wangkumarra are the registered native title claimants of a 54,459sq km area of land in SW NSW and NW Qld. An agreement signed with mining company Santos in 2001 expired on Jan 16 2006 and, since negotiations regarding a new agreement have stalled, the traditional owners plan to lodge a 'stop work' order with the company under Qld cultural heritage management laws and plan to physically block the paths of bulldozers working on the development. Hope Ebsworth, chair of the Wangkumarra's negotiating committee with Santos said "It's pretty rich country-we've got oil, gas, opals, gold...But there is not one wealthy Wangkumarra person alive today....We live in poverty and they're getting billions of dollars out of our land". National Indigenous Times, 9-Feb-06, pg 5, Wangkumarra People #2: QC99/29, QUD6026/99, NNTT Case-manager, Ann Stokes.


07-Feb-06, **Agreement with Yuin people and State Government results in handing back of National Parks**, The NSW Government has finalised a lease agreement with the Yuin people that will result in the formal handing back of Biamanga and Gulaga National Parks. The future management of the parks would now be made by a board of management comprising a majority of Aboriginal land owners. Bega District News, 07-Feb-06, pg 36

06-Feb-06, **Conditions attached to Mudgee mining approval**, The Planning Minister, Frank Sartor, has approved a \$116million coal mining proposal near Mudgee expected to create up to 700 jobs and \$1.65 billion in export earnings. Minister Sartor said he had imposed a number of stringent conditions to the Wilpinjong Mine including preparation and implementation of a comprehensive Aboriginal Cultural Heritage and Management Plan. Lithgow Mercury, 06-Feb-06, pg 2; Mudgee Guardian & Gulgong Advertiser, 11-Feb-06, pg 1

04-Feb-06, **Local Aboriginal Land Council Chair concerned operation of commercial enterprise on Aboriginal burial land**, Chairman of the Dubbo Local Aboriginal Land Council, Steve Ryan, is concerned about management of a property 12 kilometres north of Dubbo, Jinchilla, which has been leased to the Googars Community Development Employment program by its owner, the Indigenous Land Corporation. Mr Ryan said "we would have preferred the lease to remain in traditional hands so that Jinchilla could be managed in conjunction with the declared burial area on the crown reserve next door". Daily Liberal, 04-Feb-06, pg 11

01-Feb-06, **Wagonga and Merrimans Local Aboriginal Land Councils lease land back to NSW Government**, Soon after the Aboriginal Negotiating Panel completed its lease negotiations for the return of Gulaga Mountain to Aboriginal ownership in November 2005, the Wagonga and Merrimans Local Aboriginal Land Councils leased the National Park back to the NSW Minister for the Environment. The area is to be jointly managed as a national park by the National Parks and Wildlife Service and its Aboriginal owners. Narooma News, 01-Feb-06, pg 3

26-Jan-06, **Developer plans to appeal court decision withdrawing permission for destruction of Aboriginal middens on site**, Developer, Chris Condon, plans to appeal a decision of the NSW Land and Environment Court which has put a halt to his plans to sell 169 properties at North Angels Beach. The court last week invalidated permission previously given by the National Parks and Wildlife Service for the developer to destroy Aboriginal middens on the site. A supplementary Report not considered by the NAPS showed heritage significance of the land's association with a 19th century Aboriginal massacre. Tim Robertson, representing native title claimants the Anderson family, said the decision was a major victory for



Aboriginal people. Ballina Shire Advocate, 26-Jan-06, pg 4. No active claims by the Numbahjing people listed with the Tribunal at this time.

19-Jan-06, **NSW Land and Environment Court invalidates permission for destruction of Aboriginal heritage site by developer**, Tim Robertson, SC, the lawyer for the Anderson family, native title claimants from the Numbahjing Clan, has claimed as a victory, the decision by the NSW Land and Environment Court to invalidate permission for a developer to destroy Aboriginal middens on a proposed development site at North Angels Beach. A supplementary report that was not considered by the National Parks and Wildlife Service showed heritage significance of the land's association with a 19th century Aboriginal massacre. The developer, Chris Condon, plans to appeal the decision. Northern Star, pg 6, No active claims by the Numbahjing people listed with the Tribunal at this time.

16-Jan-06, NSW, **Establishment of natural resources advisory committee for Aboriginals in Namoi catchment**, The first meeting of the Namoi Aboriginal Advisory Committee was recently held in Narrabri. The aim of the committee is to ensure that Aboriginal communities within the Namoi catchment are informed and consulted on natural resource issues. The committee is made up of representatives from local Aboriginal land councils, traditional owner groups and Aboriginal corporations. It is intended that the NAAC will meet four times a year., Establishment of Aboriginal Advisory Committee, North West Magazine, pg 12, Narrabri Courier, pg 8

04-Jan-06, **Aboriginal land council makes claim on historical site in Wollombi**, Wanaruah, a Muswellbrook-based Aboriginal land council, has made a native title claim over the Wollombi millpond. The site became open to land claims after the Maitland Rural Land Protection Board revoked its status as a travelling stock route. For several years before the claim, Wollombi's Tidy Valleys group, supported by Landcare, had successfully applied for grants to rehabilitate the site for public recreation and environmental education. Land council coordinator, Barry McTaggart, said the council had no objection to the rehabilitation project "in principle". Newcastle Herald, pg 16


Northern Territory

24-Feb-06, **Xstrata plan rejected by NT Govt**, Environmentalists and traditional owners have won a victory against mining giant Xstrata after the NT Environment Minister, Marion Scrymgour rejected their proposal to move its operation to the Gulf of Carpentaria. The company wanted to divert the Macarthur River 5km in the \$66million conversion saying the mine was no longer viable underground. The final decision now rests with NT Mines Minister Kon Vaskalis. Australian, 24-Feb-06, pg 5.

10-Feb-06, **Mining Company proposes river diversion for switch from underground mine to open cut**, McArthur River Mining Company, owned by Swiss giant Xstrata, is seeking approval from the Territory Government to switch from an underground zinc and lead mine to an open-cut operation. MRM general manager, Brian Hearne, emphasised there was nothing inappropriate in representatives from the mining company meeting with a group of local Indigenous women and asking them what they want the company to give them (implied by way of compensation). The proposal involves a 5.5km diversion of the McArthur River and is opposed by environmentalists and some traditional owners who rely on the river for fishing and hunting. Australian, 13-Feb-06, pg 7, Northern Territory News, 10-Feb-06, pg 9.

08-Feb-06, **"The door is ajar" for a nuclear waste dump on Aboriginal land**, The CEO of the Northern Land Council, Norman Fry, says that a nuclear waste dump on Aboriginal land could benefit local communities through providing jobs and improving infrastructure. The Jawoyn Association has tentatively supported calls for a nuclear waste dump. Mick Peirce, CEO of Jawoyn says "we still don't have enough information to form our own opinion". Katherine Times, 08-Feb-06, pg 3.

02-Feb-06, **Gumatj Association under investigation**, The Northern Territory's most powerful Indigenous leader has been accused by members of his family of mis-managing mining equivalency funds allocated to the Gumatj Association. However, despite finding that a relative lack of transparency was of 'serious concern' a preliminary investigation by the NT Commissioner for Consumer and Business Affairs has found no evidence of fraud or misappropriation and the Territory Police have advised that there are no grounds for an investigation. Australian, 02-Feb-06, pg 5, Northern Territory News, 02-Feb-06, pg 6



27-Jan-06, **Indigenous Pastoral program praised by NT Government Minister**, The Indigenous Pastoral Program, run by the Northern Territory Government in conjunction with the Northern and Central Land Councils and the Indigenous Land Corporation, has been praised by Department of Primary Industry and Fisheries Minister, Kon Vatskalis at a book launch. Minister Vatskalis said the program aims to increase cattle numbers on Indigenous land and introduce more Indigenous landowners in the pastoral workforce. "This goal is being realised with significant developments, including 10 year land use agreements at Amanbidj, Elsey, Balbirini, Wagaman and Kalkarindji. We've also seen seasonal stock camps positions filled by Indigenous people, two very successful cattlemen workshops held in Central Australia and numerous fencing contracts awarded to indigenous stockmen at stations across the territory". Territory News, 27-Jan-06, pg 6

27-Jan-06, **Northern Land Council considering offering to locate uranium waste facility on lands**, The Northern Land Council is considering offering its land as a site for the controversial \$30 million uranium waste facility the Government is proposing to establish in the Northern Territory. Norman Fry, chief executive officer of the land council said that a waste facility could provide employment, business opportunities and sealed roads for Aborigines. The NLC's favourable view of low-to-intermediate level nuclear waste management is in stark contrast to the continuing opposition of both the Martin NT Labor government and the Central Land Council. Australian Financial Review, pg 10

14-Jan-06, **The Mirarr people and ERA agree to place Jabiluka site on long-term care and maintenance**, The Federal Government declared the Northern Territory "open for business" for uranium mining last year but uranium mining industry veteran, Tony Grey, warns "the most prospective area for uranium, perhaps in the world, is in the Northern Territory" however, it's "bedevilled with Aboriginal issues". The Mirarr people, native title holders to the Jabiluka ground, argue that mining's social and economic impacts would change their way of life. ERA and the Mirarr people agreed last February to place the Jabiluka site on long-term care and maintenance. ERA will not develop it without consent from the Indigenous people. The Age, Business News, pg1, Sydney Morning Herald, pg 35, **Jabiru Township**: Tribunal File Number: NC97/7. Federal Court Number: NTD6027/98,

Anne Marie Cowley, The native title claim group for this application is the Mirrar.


Queensland

18-Feb-06, **Yalanji now able to introduce their young people to their traditional lands**, The Yalanji people of north Queensland have said that the recognition of their non-exclusive native title rights and interests over 20 000 hectares of pastoral land at Mt Carbine will allow them to introduce their youth to their traditional lands. The agreement also allows for Western Yalanji people to be buried on this country. Elder Des Brickey said "Getting on to this piece of land will be a real big help. We can get the young people up here and show them our land". Gympie Times, 18-Feb-06, pg 6, Cairns Post, 18-Feb-06, pg 9; Tablelands Advertiser 22-Feb-06, pg 15. The determination will come into effect once all four ILUAs are registered.

14-Feb-06, **Native Title claimants push for equity stake in proposed PNG pipeline**, The Cape York Land Council consortium is claiming ownership of both the concept of laying a gas pipeline to PNG and of the affected land. Consequently, they are pushing for an equity stake in the \$3billion project. Australian Financial Review, 14-Feb-06, pg 64

13-Feb-06, **Chinese Company, a final bidder in Aurukun bauxite deposit in Cape York**, Chalco, a Chinese aluminium company has emerged as one of the final bidders for the Aurukun bauxite deposit on Cape York. Xiao Yaqing, chairman and chief executive of Chalco, recently visited Australia and met with Noel Pearson and other Aboriginal leaders to discuss their perspectives on the Aurukun project, Xiao Yaqing commented "we need to know what they expect. We need to listen to them". Mining operation. Australian, 13-Feb-06, pg 27, Aurukun Township & Access Road Agreement: QI01/26. Comalco ILUA: QIA2001/002. Wik and Wik Way Peoples: QC94/3, QUD6001/98. Wik and Wik Way People: QC01/3, QUD6029/01, John Liston, The Wik and Wik Way Peoples are native title holders to 3 consent determinations. Wik and Wik-Way Peoples; Wik and Wik Way Native Title Determination No. 2; Wik and Wik Way Native Title Determination No. 3 (Please also note the Wik and Wik Way People are involved in many agreements, those listed are the applications that appeared most relevant).

13-Feb-06, **Alternative lifestyle for Indigenous kids in Cape York**, Mr Brickey, Elder of the Western Yalanji people in Cape



York, wants to create training and employment for local Indigenous people on the land over which his people recently gained native title rights and interests. He said one of his main motivations was to offer an alternative lifestyle for kids who were at risk of going off the rails. Australian, 13-Feb-06, pg 7. The determination will come into effect once all four ILUAs are registered.


03-Feb-06, **Traditional owners seen as a significant hurdle in establishment of bauxite mine in Aurukun country**, As many as six of the original field of 10 international groups who expressed interest in tendering for the rights to mine 650 million tonnes of bauxite at Aurukun are understood to have dropped out of contention. Aurukun Mayor, Neville Pootchamunka said there was no question the hurdles to final approval were significant. "As far as the Indigenous community was concerned it was about 'respect'. It is respect for the environment, respect for our culture, and the knowledge that if they take something off the black fella, they have to give something back". Cairns Post, 03-Feb-06 pg 10, Aurukun Township & Access Road Agreement: QI01/26. Comalco ILUA: QIA2001/002. Wik and Wik Way Peoples: QC94/3, QUD6001/98. Wik and Wik Way People: QC01/3, QUD6029/01, John Liston, The Wik and Wik Way Peoples are native title holders to 3 consent determinations. Wik and Wik-Way Peoples; Wik and Wik Way Native Title Determination No. 2; Wik and Wik Way Native Title Determination No. 3 (Please also note the Wik and Wik Way People are involved in many agreements, those listed are the applications that appeared most relevant)

01-Feb-06, **New native title claim proposed on behalf of Kabi Kabi people**, A new native title claim is proposed for areas of Caboolture and Bribie Island on behalf of the Kabi Kabi people, to ultimately replace the Gubbi Gubbi 2 claim which was withdrawn last year. Mr Tony Dalton, Kabi Kabi spokesman, said "the claim entitles us to undeveloped State land and water." Mr Dalton said for this claim the organisers had already negotiated with neighbouring tribes where some of the land in the claim overlapped, eliminating further delays in the claim being registered. A separate claim by the Kabi Kabi people was accepted by the Federal Court on January 13 but the claim is still waiting to be registered. Bribie Weekly, 01-Feb-06, pg 5, Kabi Kabi People: QC06/3, QUD12/06 (13/01/06). Kabi Kabi #2: QC06/6, QUD65/06, Ann Stokes, Please note neither of these claims have been registered to date.

01-Feb-06, **Dispute between Tweed and Gold Coast Aborigines and Queensland Government**, Tweed and Gold Coast Aborigines want archaeologists to be given the right to properly investigate, record and protect middens, graveyards and any artefacts found along the proposed route of the Tugun Bypass. Eastern Yugambah Ltd managing director, Wesley Aird, said EYL was not trying to stop the road. "We want to see all processes followed correctly." The Department of Main Roads lodged papers with the Land and Resources Tribunal earlier this month against 177 Aborigines who nominated interest in the Cultural Heritage Management Plan for the Tugun by-pass. LTR president, Gregory Koppenol, over-ruled the Department of Main Road's request for the tribunal to arbitrate on a cultural heritage management plan opposed by the Aborigines. Instead the Tribunal has set a hearing to consider procedural faults by the state Government. Gold Coast Sun, 01-Feb-06 pg 5, Daily News, 11-Feb-06, pg 7, Gold Coast Bulletin, 10-Feb-06, pg 17

01-Feb-06, **Traditional, owners join with members of parliament to reduce population of bats in charters Towers**, Members of the Gudjal Traditional Owners Aboriginal Corporation and two Charters towers members of parliament are meeting to discuss strategies for managing the bat population. Gudjal CEO, William Santo said it had been suggested Aboriginal people exercise their traditional hunting rights over animals. Townsville Bulletin, 01-Feb-06, pg 3

26-Jan-06, **Aboriginal corporation in dispute with state owned corporation about fees payable to Aboriginal cultural heritage management companies**, Jagera Daran, an Aboriginal Corporation is in dispute with Powerlink, a state owned corporation, about fees payable to Aboriginal heritage management companies. Under Queensland's cultural heritage management laws, Powerlink, which has numerous interests in the land claimed by the Jagera peoples, must contract Jagera approved cultural heritage workers to provide on-site monitoring and local knowledge during construction projects. The matter is before the Land and Resources Tribunal. Managing director of Jagera Daran, Caroline Bonner, said Powerlink opted to litigate rather than negotiate with the Jagera people in an effort to quash the private enterprise of an emerging industry. The outcome of the hearing is expected to be delivered next week. National Indigenous Times, 26-Jan-06, pg 11, Jagera



People #2: QC03/15 QUD6014/03, Ann Stokes, There is the only active claim for the Jagera people and was Registered on the 11/03/2004.

26-Jan-06, **Land and Resources Tribunal hearing in relation to Cultural Heritage Management Plan for Tugun Bypass**, Tweed and Gold Coast Aborigines are critical of a Queensland Government decision to lodge papers with the Land and Resources Tribunal against 177 Aborigines who oppose its Cultural Heritage Management Plan in relation to the Tugun Bypass. Wesley Aird, Eastern Yugambah managing director, said Main Roads did nothing about an EYL proposal last July to assess cultural heritage before construction began. Tweed Sun, pg 3

25-Jan-06, **Company talking with traditional owners about laying of gas pipeline in Far North Queensland**, Mr Gary Voss, project manager for AGL Petronis Consortium, said that talks are underway with 50 separate traditional owners of areas where a pipeline is planned to be built to carry gas from Papua New Guinea to users. TOs are asked to contact the Australian Gas and Light Petronas Consortium on 1300 856 233 or email cultural.heritage@pngpipe.com.au. Cooktown Local News , 25-Jan-06, pg 7; Cairns Post 24-Feb-06, pg 11


24-Jan-06, **Agreement between native title claimants about boundaries** , Members of the National Native Title Tribunal will meet with members of the Kudjala1 and Kudjala 2 Native Title claim groups in Charters Towers to sign an agreement ending a long running dispute about overlapping claims. A spokeswoman for the claimants said there were two different versions of where land boundaries were located and both groups resolved to solve the dispute by mediation. She said mining companies would welcome the news because they would no longer have to negotiate with two groups of traditional owners. Northern Miner (24-Jan-06), pg 3, Northern Miner (27-Jan-06), pg 5, Kudjala #1: QC00/1; FCN: QUD6001/00; Kudjala #2. Tribunal Number: QC01/1; FCN: QUD6001/01, NNTT case-manager Jodhi Rutherford.

18-Jan-06, **Successful Western Sub-region Land Summit a precedent for future summits**, The QSNTS has facilitated a summit aimed at resolving overlapping boundaries among Indigenous claim groups. The Western Sub-region Land Summit was held at the West Queensland town of Mitchell. Over 4 days representatives from applicants from the

Boonthamurra, Bunthamura, Budjiti, Kunja, Kullilli, Mardigan and Mithaka claim groups were briefed on relevant information regarding their claims as well as the service provision functions of QSNTS. Organisers said that such a broad and successful range of outcomes could not have been possible without the claim group facilitators, members of the NNTT, Federal Court and most importantly, the traditional owners' cooperation and assistance. The summit has set a precedent for future summits, with the Central and Eastern Sub-region Koorie Mail, pg 76, **Boonthamurra People**: Tribunal Number: QC01/30. Federal Court No: QUD6028/01. **Bunthamarra People**: Tribunal Number: QC98/14. Federal Court Number: QUD6184/98. **Budjiti People**: Tribunal Number: QC04/7. Federal Court Number: QUD112/04. **Kunja People**: Tribunal File Number: QC96/17. Federal Court Number: QUD6032/98. **Kullilli People #2**: Tribunal File Number: QC02/28. Federal Court File Number: QUD6025/02. **Kullilli People #3**: Tribunal File Number: QC02/29. Federal Court File Number: QUD6026/02. **Mardigan People**: Tribunal File Number: QC99/15. Federal Court File Number: QUD6034/98. **Mithaka People**: Tribunal File Number: QC02/35. Federal Court File Number: QUD6033/02., Ann Stokes is the case manager for all listed claim applications. Please note only **Active** claim applications groups listed.

18-Jan-06, **Cape York Aboriginal Land Council grants licence to Vietnam veterans**, The Cape York Aboriginal Land Council has granted Vietnam veterans a 15 year licence allowing unrestricted access to Pandanus Park at Kalpowar Station, 150 km north-west of Cooktown. The veterans had refused to leave the area which they use as a recreational retreat. Queensland Premier, Peter Beattie, said "I'm delighted they have reached an agreement with the Aboriginal people which the State Government helped to facilitate." Koori Mail, pg 19, **Kalpowar Holdings**: Tribunal File Number: QC97/48. Federal Court File Number: QUD6155/98, NNTT case-manager Karrell Ross, This application was registered with the NNTT on the 27/10/1997 and is currently in mediation.

18-Jan-06, **Agreement between the Wangkumarra people and Beach Petroleum** , The Wangkumarra people, Beach Petroleum and the Queensland Government have signed an agreement over a 1960sqkm area in the Cooper Basin in South-west Queensland. The agreement clears the way for petroleum exploration and mining and could pave the way for further agreements and provides the



Wangkumarra people with cultural heritage protection, employment and training and certain financial benefits. Hope Ebsworth, representative of the Wangkumarra people, said "the attitude of Beach Petroleum means that we have a fair deal that can serve as a benchmark for other deals." Koori Mail, pg 72, Tribunal File Number: QC99/29 Federal Court Number: QUD6026/99, Ann Stokes, This agreement was negotiated outside the NNTT, but the details given relate to the native title determination of the Wangkumarra.

South Australia

15-Feb-06, **De Rose native title claim settled**, De Rose pastoral station traditional owners have finally had their native title rights recognised after a 12 year court battle. The high Court has refused a pastoralist leave to appeal, exhausting the final legal obstacle to the recognition of native title. The Aboriginal Legal Rights Movement's Native Title Unit's executive officer Parry Agius said "Had the pastoralists been able to negotiate as others have done, a lot of stress and money could have been saved". Koori Mail, 15-Feb-06, pg 1; Stock Journal, 16-Feb-06, pg 3, De Rose Hill: SC94/2, SAD6001/96, NNTT case-manager Monica Khouri.

11-Feb-06, **Full Federal Court decision to grant native title rights and interests to the Yankunytjatjara people upheld by High Court**, Yesterday the High Court upheld the 2005 decision of the full Federal Court to grant native title rights and interests to the Yankunytjatjara people over De Rose Hill pastoral station in the far northern south Australia. 11-Feb-06, pg 13, De Rose Hill: SC94/2, SAD6001/96, NNTT case-manager Monica Khouri.

01-Feb-06, **Kaurna Aboriginal people disappointed by outcome of consultation about housing development at Noarlunga Downs**, Lynette Crocker and Joe Mitchell, Kaurna elders, said that three Aboriginal Sacred sites at Noarlunga Downs which will be disturbed by a new housing development include historical artefacts and were places for secret men's business and the delivery of gathered food. Two of the Kaurna sites will be protected and located in public reserves, with the third, deemed "less important" by the Aboriginal Affairs Department to be built over. Ms Crocker said the developer, AV Jennings had been sensitive about the issue but she hoped the company would go one step further for example by providing work for Aboriginal people. Southern Times Messenger, 01-Feb-

06, pg 15, Kaurna Peoples Native Title Claim: SC00/1, SAD6001/00, NNTT case-manager Monica Khouri, This is the only active matter for the Kaurna People in the NNTT databases.


18-Jan-06, **Anangu Pitjantjatjara Yankunytjatjara Lands Council Election**, People on the Anangu Pitjantjatjara Yankunytjatjara Lands have formally elected their new 10-member executive board to control the lands in South Australia's far north and west. State Democrats MLC, Kate Reynolds, was critical of the South Australian government for failing to ensure representation of women on the Council. "The Rann Government is so focussed on opening the APY lands up for mining that it has failed to take any steps at all to ensure Anangu women are formally recognised as important agents for change." , Lands Council election, Koori Mail, pg 16

12-Jan-06, **Tatiara Indigenous Land Use Agreement Committee involvement with local Councils**, The Indigenous Land Use Agreement Committee in Tatiara is interested in engaging with SE Councils to look at issues across the region. CEO, Mr Harkness said "Mostly of the Councils were happy to be involved ...but it depends on funds if this is to proceed". Committee, Border Chronicle, pg 7

Tasmania

10-Feb-06, **Lease agreement recognises Aboriginal connection with North East Tasmania**, The State Government has signed an agreement with the Aboriginal Land Council for a 40 year lease on houses at Eddystone Point in Tasmania's North East. The agreement comes after several years of dispute between the Government and the Aboriginal community. Land Council of Tasmania chairman, Clyde Mansell said "the lease gives due recognition that Aboriginal people have not only with Eddystone Point and the Mt William National Park but also with the whole North-East". Hobart Mercury, 10-Feb-06, pg 17

14-Jan-06, **Protection of Aboriginal Rock Carvings in Arthur River area**, A recent incident in which 2000 year old rock carvings were damaged by vandals has prompted a range of responses from local Aboriginal people. Tasmanian Aboriginal Land and Sea Council manager, Colin Hughes, said the Council wanted the Arthur River area closed to the public to "prevent ongoing and further damage to ...Aboriginal Heritage sites." Circular Head Aboriginal Corporation member, Alan Wolf, took an opposing position suggesting the area should remain open. Tudy Maluga,



secretary of the Tasmanian Aboriginal Centre, called on the Circular Head Council to take action and on the government to improve the Aboriginal Relics Act of 1975 " to allow us to protect our heritage, or we will do it without government support". The Parks and Wildlife Service are investigating the vandalism. Burnie Advocate, pg 2, Launceston Examiner, pg 69, Circular Head Chronicle, pg 2, Hobart Mercury, pg 14

Victoria

20-Feb-06, **Gunditjmara claim closer to resolution**, 175 respondents to the 10 year old Gunditjmara claim in Victoria have attended a briefing session where claimants and the Victorian State presented details of an in-principle agreement that they have hammered out. With only one issue outstanding it's hoped that an agreement can be reached before Court sits again on April 20., 2nd consent determination more likely in Victoria, Portland Observer, 20-Feb-06, pg 5, Gunditjmara: VC99/7, VID6004/98, NNTT case-manager Nadja Mack, This is the only active matter for the Gunditjmara people.

09-Feb-06, **Mallee-Wimmera agreement amounts to more dispossession**, The agreement between the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples and the State of Victoria offers no ownership or exclusive rights over land and no more say over its use than that afforded to settler interests, argues Dr Wayne Atkinson. Rather the rights recognised under this determination offer no more than the right to perform certain traditionally based activities within less than 2% of their traditional lands. "The question of whether this is land justice, or dispossession by stealth is one of critical importance". National Indigenous Times, 9-Feb-06, pg 22, Tribunal File Number: VC95/2, VC99/5, VC99/8; Federal Court Numbers: VID6002/1998, VID6005/1999, VID6009/1998, 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 (respectively).


08-Feb-06, **Respondent complains about lack of information in Gunditjmara consent determination**, A Portland based respondent in the Gunditjmara Native Title application claims he has been "left in the dark" on the state's offer for a historic consent determination. The claims were supported by comments from lawyer, G Moloney, who told

the Federal Court that the "in-principle agreement" should be revealed so respondents could focus on what was important to progress a mediated settlement. A directions hearing into the claim is scheduled for next Thursday. Portland Observer, 08-Feb-06, pg 5, Gunditjmara: VC99/7, VID6004/98, NNTT case-manager Nadja Mack, This is the only active matter for the Gunditjmara people.

03-Feb-06, **Evidence of Aboriginal settlements exposed following recent fierce bush-fire in South west Victoria**, A discovery of Aboriginal stone houses, eel traps, walking tracks and the remnants of cutting tools at Tyrendarra in South Western Victoria appears to confirm that some of Australia's first inhabitants lived in settlements, not just as nomads. The area was inaccessible until a fierce bushfire exposed the area last month. The heritage branch of Aboriginal Affairs Victoria is working with the Winda-Mara Aboriginal Corporation on future documentation of the sites. Australian, 03-Feb-06, pg 3

03-Feb-06, **Yorta Yorta Nation Aboriginal Corporation critical of the draft Victorian Aboriginal Heritage Bill**, The Yorta Yorta Nation Aboriginal Corporation chairman, Lee Joachim, was critical of the draft Victorian Aboriginal Heritage Bill in an article responding to a recent article by Sharman Stone, Member for Murray. He claims the draft Bill does not protect the ability for traditional owners and the local Aboriginal community to have direct responsibility for the protection of their interests in heritage but instead has created a structure that is not accountable to Aboriginal people. Unfortunately the government has chosen to ignore all the positive community-based development in favour of a state-based ministerial-appointed Aboriginal Heritage Council and provide for a complicated system of Aboriginal registered parties and an ambiguous process for determining applications for development. Riverine Herald, 03-Feb-06, pg 10, Yorta Yorta litigated determination was made on the 18/12/1998. Affected applications: VC94/1, VID6001/95, NNTT case-manager Ian Campbell-Fraser,

01-Feb-06, **Government response to Environmental Effects Statement re proposed toxic dump**, The environmental arm of the Victorian Government has given its views on the Environmental Effects Statement for a proposed toxic dump at Nowingi. Department of Sustainability and Environment Secretary, Professor Lyndsay Neilson, noted that the site was located in an area covered by claims by



the Latji Latji and Wergaia communities. "DSE has determined the need for an Indigenous Land Use Agreement under the provisions of the Native Title Act 1993, to validate the construction and operation of the Long Term Containment Facility". Sunraysia Daily, 01-Feb-06, pg 5

01-Feb-06, **Exploration licence granted by native title claimants to gold mining company**, Gold mining company, Sedimentary Holdings, has advised in its recently released report on its St Arnaud Goldfields project, that negotiations with representatives for Native Title claimants under the right to negotiate provisions of the Native Title Act have progressed to an advanced stage. An exploration licence was granted over the Northern limits of the St Arnaud goldfield. North Central News, 01-Feb-06, pg 8


25-Jan-06, **Indigenous Land Use Agreements between the Minerals Council of Australia and the Dja Dja Warrung, Wamba Wamba, Barapa Barapa and Wadi Wadi peoples**, The Minerals Council of Australia and the Dja Dja Warrung, Wamba Wamba, Barapa Barapa and Wadi Wadi peoples have negotiated two Indigenous Land Use Agreements over approximately 16,820 sq km of land in Central Victoria. The Loddon Shire Council is cooperating with the National Native Title Tribunal in relation to the agreements. Native Title Tribunal State manager, Ian Campbell-Fraser said the agreements would make the process simpler for mining companies as they will know who their agreements are with. Loddon Times, pg 10, Bendigo Advertiser, pg 13, Tribunal File Number: VI2004/005 (Dja Dja Wurrung); and VI2004/010 (Wamba Wamba, Barapa Barapa, & Wadi Wadi Peoples), Nadja Mack, These two ILUAs are due to go into notification this week. VI2004/005 on the 31/01/06 and VI2004/010 on the 01/02/06.

20-Jan-06, **Processes for consultation re land use established between local council and land council**, Processes have been introduced for the Murray Shire Council to consult with the Aboriginal Land Council about large developments and developments along the river. In future, the Land Council will be forwarded any development applications for areas within a 500m straight line distance from the Murray River, as well as developments which involve large-scale excavation or are located on sand dunes. Land Councils will also be referred applications on areas which have been deemed environmentally sensitive because of Indigenous significance under the

National Parks and Wildlife Act or by the Department of Environment and Conservation, Riverine Herald, pg 1

18-Jan-06, **First native title determination in Victoria**, Native title has been recognised officially for the first time in Victoria. The Federal Court at a special hearing in the Little Desert National Park near Dimboola, settled 3 claims totalling more than 9500 square km, lodged between 1995 and 1999. The decision recognised the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk people's non-exclusive rights to hunt, fish, gather and camp in Crown land covering 269 sq km of land along the banks of the Wimmera River. The determination found native title did not exist in the rest of the claim area, but in a broader agreement package the Victorian government has recognised the claimant's 'close cultural ties' to a larger area. Tribunal member, Professor Doug Williamson, said "through the experience and outcomes gained as a result of these determinations and other agreements, we hope native title claims in other parts of Victoria will now be able to proceed more smoothly and be resolved more quickly." Koori Mail, pg6, Tribunal File Number: VC95/2 (#1), VC99/5 (#2), VC99/8 (#3); Federal Court Number: VID6002/1998 (#1), VID6005/1999 (#2), VID6009/1998 (#3), Chris Loorham, Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk Peoples No. 1; Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk Peoples No. 2; Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk Peoples No. 3

11-Jan-06, **Gunditjmara Native Title Claim Group consider native title offer by Victorian Government**, The Gunditjmara Native Title Claim group is considering an offer by the Victorian Government to reach a settlement on their nine year Federal Court campaign for native title over areas in South-West Victoria. The State's offer would recognise the existence of native title but over less territory than the more than 20,000 sq km of land and sea sought. A directions hearing will be held on February 15. An agreement between all parties would be only the second decision endorsing native title rights for Aboriginal people in Victoria following last month's recognition of indigenous people in Wimmera. Portland Observer, pg3, Port Campbell to Adelaide Pipeline#1: VI2003/002. Port Campbell to Adelaide Pipeline#2: VI2003/003, NNTT case-manager Hamish MacLeod. The Gunditjmara people are currently involved in two ILUAs which cover the area subject to claim by the Gunditjmara people



08-Jan-06, **Research into the use of contemporary oral evidence and documents from the past**, The Yorta Yorta case, and more generally, native title, have sparked a debate about whether law courts are capable of allowing the nuances of both contemporary oral evidence and documents from the past. Ann Arnold, journalist, reports that three universities are now conducting an Australia Research Council-funded study involving the Federal Court, Judges, lawyers, historians and Indigenous people. The initial responses confirm that to some extent, historians and the 'legally trained' perceive historical material differently. According to historians, lawyers see a signed document and accept it as legitimate evidence while historians question the context in which the document was written or signed. Sunday Age, pg 18, Sydney Morning Herald, pg 12, Yorta Yorta Tribunal Number: VC94/1, Federal Court Number: VID6001/95, NNTT case-manager Ian Campbell-Fraser, The Yorta Yorta determination was made on the 18/12/1998

Western Australia

23-Feb-06, **Book controversy**, A book about the Gwion Gwion paintings of the West Kimberley has upset native title holders in the area "We won the land claim and I think that it's very rude that they didn't talk with us" said senior TO Donny Woolagoodja. The book, by Ian Wilson, claims that the paintings may have originated from an ancient race during the Ice Age. Broome Advertiser, 23-Feb-06, pg 4, Dambimangari: WC99/7, WAD6061/98, Lynda Strawbridge, Donny Woolagoodja is a claimant in the Dambimangari application.


23-Feb-06, **Plans to strip mine Mitchell Plateau for bauxite outrage TOs**, Mining tenements granted in the Mitchell Plateau before the passage of the Native Title Act could see the extraordinary Mitchell Plateau strip mined for bauxite and a refinery established. Spokesman for the Kandiwal community, Chris Brown said "They renew this tenement again and again and they never listen to us. We can't put any native title claim in...The Mitchell Plateau is just a low-grade deposit and they would have to strip mine it. Why don't they recognise the natural and cultural heritage of this place? The people here don't want money if it costs them their country. We won't have a mine, there are too many people willing to die to stop it". Broome Advertiser, 23-Feb-06, pg 3; Kimberley Times, 23-Feb-06, pg 1

17-Feb-06, **TOs to get more say over the management of sacred sites and surrounds in Yamatji region**, The Yamatji Land and Sea Council's "Caring for Country" initiative has been launched. The initiative includes an audit of the natural condition of culturally significant sites and will allow traditional owners to have input into their management. Geraldton Guardian, 17-Feb-06, pg 8

16-Feb-06, **Goldfield claimants claim victory**, Goldfield claimants have claimed victory after a Federal Court decision forced land users back to the negotiating table. Although the State Government did not support the Koara claimants' right to negotiate the Federal Court supported Goldfields Land and Sea Council's argument that applications made before the negotiation rules were changed should still operate under the old system. 'Every step of the way the State Government appears hell-bent on diminishing Goldfields Aboriginal people's rights' said GLSC executive director Brian Wyatt. Kalgoorlie Miner, 16-Feb-06, pg 3, De Rose Hill: SC94/2, SAD6001/96, NNTT case-manager Monica Khouri.

15-Feb-06, **Yawuru prove claim to Broome**, The Yawuru community has proved that it is a recognisable body of people with a traditional link to the Broome area, said Justice Merkel in an interim ruling. Justice Merkel has yet to address issues of extinguishment in a claim area that covers over 6000km. Kimberley Land Council CEO, Wayne Bergman, said that the ruling ended years of dispute that had divided Broome's Indigenous community "There's a sense of relief, excitement, hope". Senior Yawuru lawman Frank Sebastian said "Why we fought for native title is because land was taken away from us, not only in Broome but all over. We'd like to come together as one, and show our children we want to be as one, so they can have a happy life and a goal for the future. The main thing is getting our land back, it might not be much but we'll get it back. Then we can talk freely about what we really want". Townsville Bulletin, 15-Feb-06, pg 10; Australian, 15-Feb-06, pg 5; Courier Mail, 15-Feb-06, pg 11; Northern Daily Leader, 15-Feb-06, pg 11, Northern Territory News, 15-Feb-06, pg 15; Broome Advertiser 16-Feb-06, pg1; MX (Melbourne & Sydney) 15-Feb-06, pg 10; Cairns Post 15-Feb-06, pg 16; Geelong Advertiser 15-Feb-06, pg 13.

09-Feb-06, **The Martu Idja Banyjima people appoint Macquarie Bank as advisers to their Charitable trust**, The Martu Idja Banyjima people, a remote Aboriginal community in the



Pilbara, has selected Macquarie Bank to provide financial advice to their Charitable Trust and to advise on future economic development opportunities. The Trust was established to invest mining royalties estimated at more than \$1.5 million a year for the next 20 years. Australian, 09-Feb-06, pg 29, Martu Idja Banyjima People: WC98/62, WAD6278/98, Gerry Putland, There are currently 20 agreements recorded by the Tribunal (although not all Tribunal-mediated).

08-Feb-06, **Amended legislation aims to reduce number of exploration applications caught in 'native title logjam'**, Legislation to amend the WA Mining Act, passed in October 2004 was finally proclaimed last week. The legislation had not been proclaimed because of last minute changes passed by the Greens and Opposition in the Upper House before the 2005 State election. The amended legislation will allow companies to convert mining lease applications to longer term exploration licences if they are not immediately seeking to start mining operations. Once converted, the so-called 'reversion licences' should be granted within 3 to 4 months. Government and industry leaders hope the legislation will provide a catalyst for exploration growth, streamline mineral titles, open up unused tenements and reduce the 12,000 applications currently caught in 'the native title logjam'. Mining lease legislation, West Australian, 08-Feb-06, pg 45; Australian Financial Review, 13-Feb-06, pg 9; Kalgoorlie Miner, 11-Feb-06, pg 1; Geraldton Guardian, 13-Feb-06, pg 9; North West Telegraph, 15-Feb-06, pg 1; Business News, 16-Feb-06, pg 7; Pilbara News, 22-Feb-06, pg 4; Golden Mail, 24-Feb-06

07-Feb-06, **Attempt to address mining skill shortage in region**, Indigenous Enterprises hopes to set up mining oriented studies at schools in communities like Laverton, Menzies and Leonora in an attempt to alleviate the skill shortage in the region. Kalgoorlie Miner, 07-Feb-06, pg 4

07-Feb-06, **Request for DNA testing on Nyoongar warrior head recently returned from England**, Some Perth Aboriginals want DNA to be extracted from the head of 19th century Nyoongar warrior, Yagan, to settle a dispute over land claims currently before the Federal Court. The head was brought back from England for burial 8 years ago. The new Indigenous Affairs Minister, Sheila McHale, said it was up to the Aboriginal community and burial committee to decide about DNA tests. West Australian, 07-Feb-06, pg 15, Single Noongar

Claim (Area 1): WC03/6, WAD6006/03. Single Noongar Claim (Area 2): WC03/7, WAD6012/03, NNTT case-manager Steve Edwards.

28-Jan-06, **Protection of Wilgie Mia mine in the Murchison Region**, Mr Colin Hamlett, an elder in the Wajarri Yamatji native title claim which covers 100,700 sq km in the Murchison region of Western Australia, hopes that he and other elders can protect Wilgie Mia, possibly the world's oldest mine. The cave walls of Wilgie Mia are flecked with iron ore and junior companies are poised to exploit the Weld Range with massive projects. Yamatji Land and Sea Council acting chief executive, Helen Lawrence, said no mining interests so far posed a direct threat to Wilgie Mia. "But it does not have definitive protection - anyone can apply to damage or destroy a site ...in most cases permission is granted". Weekend Australian, pg 10, Tribunal File Number: WC04/10, Federal Court Number WAD6033/98, NNTT case-manager Trish Sinclair-Jones. The Wajarri Yamatji native title claim was registered on the 5/12/05.

26-Jan-06, **Rubibi people grant land to enable building of aged care facility**, The Rubibi people have agreed to lease five hectares of land in Broome to Southern Cross Care for a 50 year period to enable the building of an aged care facility on a site for which they have traditional custodianship. They have agreed to forgo rent from SCC in order to make the aged care facility viable as a not-for-profit organisation., Land use, Broome Advertiser, pg 6, Tribunal Number: WC95/28; Federal Court Number: WAD91/98, NNTT case-manager Sandra Barkla. NNTT do not have further details on the agreement mentioned, but have listed the details for the Rubibi determination made on the 7/11/01

21-Jan-06, **Indigenous Land Use Agreement between Airservices Australian and the Ngaanyatjarra people**, Airservices Australian, the Yarnangu Ngaanyatjarraku Parna Aboriginal Corporation and the Ngaanyatjarra Land Council have signed an Indigenous Land Use Agreement regarding air traffic control facilities in the Ngaanyatjarra Lands. The ILUA was registered with the National Native Title Tribunal and is the first of many expected to flow from the native title determination in June 2005. Tribunal deputy president, Fred Chaney, said the agreement gave Airservices Australian certainty over access to locations in the Ngaanyatjarra Lands to enable them to confidently maintain and upgrade

meteorological and navigational equipment and gave the Ngaanyatjarra people an established relationship and firm processes to ensure the protection of their cultural concerns. Kalgoorlie Miner, pg 18, WI2005/002, Steve Edwards, This ILUA was registered on the 18/01/06. The Ngaanyatjarra native title determination number is WC04/3 and was determined on 29/06/2005.

19-Jan-06, **Property developer and native title claimants working together in Broome**, The property development company, LandCorp, has been central to the period of strong growth in regional centre property development in WA. "In the Kimberley for example, LandCorp has been working with native title claimants to clear the way for the development of greatly needed new residential subdivisions in the growth hotspots of Broome" said LandCorp Chief Executive, Ross Holt. arm Weekly, pg 16

11-Jan-06, **Leisure development awaits approval from Aboriginal owners**, A developer hopes to have approval in the next couple of months to create a leisure development in South Hedland. The Department for Planning and Infrastructure's acting Manager for Land Asset Management in the Pilbara, Ross Coppin, said "the final stages of preparing the land for leasing involves

addressing any native title or other ownership issues". North West Telegraph, pg 3

02-Jan-06, **Gold Fields Land and Sea Claim welcome native title reforms**, The Goldfields Land and Sea Council welcomed the reform to native title proposed by the Federal Attorney-General. Bryan Wyatt, executive director, said the GLSC specifically welcomed the opportunity for addressing concerns about the low level of funding to Native Title Representative Bodies and an announcement that the reforms will focus on resolution of native title issues through agreement-making in preference to litigation. Golden Mail, pg 9

Jan-06, **Benefits for Indigenous communities and mining companies in recruitment alliance**. A landmark strategic alliance has been forged in the iron-ore rich Pilbara region of Western Australia, between global recruitment firm, Hudson and Ngarda Ngarli Yarndu Foundation. The alliance will deliver socio economic benefits to Indigenous communities through the provision of specific and targeted recruitment services as well as ease the skills shortage threatening the ongoing expansion of the region's mining industry. Australia's Mining Monthly, Jan 06, pg 40

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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.
03/01/2006	Wakool Shire Council	Non-claimant application	Active	NSW	NN06/1	NSD11/06
03/01/2006	John & Maria Vigliante	Non-claimant application	Active	NSW	NN06/3	NSD7/06
04/01/2006	Far West Coast	Claimant application	Active	SA	SC06/1	SAD6008/98
04/01/2006	Lauri Tuominen	Non-claimant application	Active	NSW	NN06/2	NSD13/06
06/01/2006	Worimi Local Aboriginal Land Council #4	Non-claimant application	Active	NSW	NN06/4	NSD32/06

06/01/2006	Worimi Local Aboriginal Land Council #5	Non-claimant application	Active	NSW	NN06/5	NSD34/06
12/01/2006	Lardil, Yangkaal, Gangalidda & Kaiadilt People	Claimant application	Active	Qld	QC06/1	QUD7/06
13/01/2006	Kalkadoon People #5	Claimant application	Active	Qld	QC06/2	QUD15/06
13/01/2006	Kabi Kabi People	Claimant application	Active	Qld	QC06/3	QUD12/06
17/01/2006	Lumugal	Claimant application	Active	WA	WC06/1	WAD15/06
18/01/2006	Butchulla Land and Sea Claim	Claimant application	Active	Qld	QC06/4	QUD16/06
20/01/2006	Karingbal #2	Claimant application	Active	Qld	QC06/5	QUD23/06
24/01/2006	Joyce Williams, Violet Carr & William Riley on behalf of the Traditional Wellington Descendants	Claimant application	Active	NSW	NC06/1	NSD117/06
09/02/2006	Garuahgal People	Claimant application	Active	NSW	NC06/2	NSD208/06
16/02/2006	Kuyani-Wilyaru	Claimant application	Active	SA	SC06/2	SAD27/06
22/02/2006	Kabi Kabi #2	Claimant application	Active	Qld	QC06/6	QUD 65/06

(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.
8/02/2006	4/01/2006	Far West Coast	SA	Accepted	SC06/1-1	SAD6008/98
16/02/2006	17/01/2006	Lumugal	WA	Accepted	WC06/1-1	WAD15/06

(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	Date filed	State/Territory	Tribunal file no.	Federal Court file no.
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13/03/2006	Minister for Lands	Non-claimant application	19/10/2005	New South Wales	NN05/16	NSD1983/05
13/03/2006	John Wilfrid Graham & Jill Patricia Young	Non-claimant application	28/10/2005	New South Wales	NN05/17	NSD2111/05
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	Mr Brian Robertson	Non-claimant application	11/11/2005	New South Wales	NN05/19	NSD2183/05
1/05/2006	NSW Minister for Lands #8	Non-claimant application	24/11/2005	New South Wales	NN05/20	NSD2297/05
15/05/2006	Wakool Shire Council	Non-claimant application	3/01/2006	New South Wales	NN06/1	NSD11/06
31/05/2006	Niyiyaparli	Claimant application	1/09/2005	Western Australia	WC05/6	WAD6280/98
31/05/2006	John & Maria Vigliante	Non-claimant application	3/01/2006	New South Wales	NN06/3	NSD7/06
31/05/2006	Worimi Local Aboriginal Land Council #4	Non-claimant application	6/01/2006	New South Wales	NN06/4	NSD32/06
31/05/2006	Worimi Local Aboriginal Land Council #5	Non-claimant application	6/01/2006	New South Wales	NN06/5	NSD34/06
31/05/2006	Lauri Tuominen	Non-claimant application	4/01/2006	New South Wales	NN06/2	NSD13/06

(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/Terr.	Reg. date	Subject matter
SI2005/005	Ngadjuri Faraway Hill Pastoral ILUA	Area agreement	South Australia	20 February 2006	Access

DI2005/007	Simpson Desert ILUA (Exploration Permit 97)	Area agreement	Northern Territory	20 February 2006	Petroleum/Gas
WI2005/002	Airservices Australia - Ngaanyatjarra Indigenous Land Use Agreement	Body corporate agreement	Western Australia	18 January 2006	Infrastructure
DI2004/018	Cox Peninsula Water Supply ILUA	Area agreement	Northern Territory	12 January 2006	Infrastructure
DI2005/004	Norforce ILUA - Borroloola	Area agreement	Northern Territory	09 January 2006	Government

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

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DETERMINATIONS

Short name	Case name	Date	State/Terr.	Outcome	Legal Process
Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk No. 3	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
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	Awabakal Local Aboriginal Land Council v NSW	06 December 2005	New South Wales	Native title does not exist	Unopposed determination

Land Council	Native Title Services Ltd (Unreported FCA, 6 December 2005, Edmonds J)				
Bardi and Jawi Native Title Determination	Sampi v State of Western Australia	30 November 2005	Western Australia	Native title exists in parts of the determination area	Litigated determination
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

Featured Native Title items in the AIATSIS Catalogue

The following list contains either new or recently amended catalogue records relevant to Native Title issues. Some entries have web addresses and you will be able to access those documents directly. Please check MURA, the AIATSIS on-line catalogue, for more information on each entry.

Featured audiovisual materials:

A video (V7323) of the seminar presented at AIATSIS in 2004 by Professor John Burrows on self-governance explains aspects of the Canadian experience. A video of Mparntwe Sacred Sites, issued by CAAMA in the Nganampa Anwernekenhe series has been listed. AIATSIS holds a number of videos from this series.

An early set of photographs taken by Herbert A. Basedow from 1916-1920's has been put onto CD (BASEDOW.H1.CD).. Portraits of men, women and children in 1956, taken by Jacques

Villeminot, were deposited in 2000 (VILLEMINOT.J1.BW.)


Print and Electronic materials: Agreements

Cooper, David
'Shared Responsibility Agreements: whitewashing Indigenous service delivery.' In *Indigenous Law Bulletin*, Vol. 6, no. 15 (Nov. 2005), p. 6-9.

Lamb, Matthew
[review of]: *Honour among nations: treaties and agreements with Indigenous peoples*. Edited by Marcia Langton, Mureen Tehan, Lisa Palmer and Kathryn Shain, Melbourne University Press, June 2004. In *Ngoonjook: Journal of Australian Indigenous Issues*, No. 26 (Dec. 2004), p. 77-78.

Anthropology

Sutton, Peter



'Social scientists and native title cases in Australia.' In *Public Archaeology* Vol.4, nos. 2&3 (2005), p. [121]-126.

Archaeology

Smith, Claire and H. Martin Wobst, eds.
Indigenous archaeologies : decolonising theory and practice. London ; New York : Routledge, 2005.

Watkins, Joe

'Through wary eyes: Indigenous perspectives on archaeology.' In *Annual Review of Anthropology* Vol.34, (2005), p.429-449.

Economics and policy

Arabena, Kerry

'Torres Strait islanders: overcoming disadvantage and the new arrangements in the administration of Indigenous affairs.' In *Indigenous Law Bulletin*, Vol. 6, no. 15 (Nov. 2005), p. 15-18.

History – exploration and accounts

Connors, Libby

'Indigenous resistance and traditional leadership: understanding and interpreting Dundalli.' In *Journal of the Royal Historical Society of Queensland* Vol. 19, No. 3, (Aug. 2005), p. 701-712.

Cotter, Richard

A Cloud of Hapless Foreboding : Assistant Protector William Thomas and the Port Phillip Aborigines 1839-1840. Sorrento, Vic. : Nepean Historical Society, 2005.

Evans, Julie

Edward Eyre : race and colonial governance. Dunedin, N.Z. : University of Otago Press, c2005.

Hafner, Diane, Museum of Victoria, and Academy of the Social Sciences in Australia
Images of Port Stewart : possible interpretations. Canberra : Academy of the Social Sciences in Australia with support from Museum Victoria, c2005.

Hale, Horatio (1817-1896)

Notes on the natives of Australia and their dialects. (microfilm copy).

Mylrea, P. J.

'Speculations on the Appin Aboriginal massacre of 1816.' In *Grist mills : journal of Campbelltown & Airds Historical Society* ; Vol. 13, no. 3 Dec 2000 : p. 58-67.

Walker, W.D.

Experiences in the Australian interior. : [London] : Royal Photographic Society of Great Britain, 1931.

Zucker, Margaret. And University of Notre Dame Australia.

From patrons to partners and the separated children of the Kimberley : a history of the Catholic Church in the Kimberley, WA. Fremantle, W.A. : University of Notre Dame Australia Press , 2005.

Indexes, directories and guides

Macbeth Genealogical Services and Genealogical Society of the Northern Territory.
Northern Territory Australia deaths 1824 to 2004. pt. 1 [electronic resource- CD ROM]. [Darwin] : Genealogical Society of the Northern Territory Inc, 2005.

Indigenous rights – overseas

Kealohapau'ole Hewett, Kerri-Ann

'The application of native Hawaiian values in Kaho'iwai.' In *Ngoonjook: Journal of Australian Indigenous Issues*, No. 25 (July 2004), p. 44-51.

Intellectual property

Diver, Alice

'A just war: protecting Indigenous cultural property.' In *Indigenous Law Bulletin*. Vol. 6, no. 4 (July 2004), p. 7-10.

Smallacombe, Sonia

'Protecting Indigenous people's knowledge systems.' In *Ngoonjook: Journal of Australian Indigenous Issues*, No. 26 (Dec. 2004), p. 7-14.

Land acquisition and land management

Horsfall, Nicola


'Cultural or natural? : the applicability of World Heritage criteria to Aboriginal cultural values in the wet tropics. In *Tempus* ; Vol. 7 2002 : p. 151-155.

Horstman, Mark and Glen M. Wightman

'Kartpart ecology : recognition of Aboriginal ecological knowledge and its application to management in north-western Australia.' In *Ecological management & restoration* ; Vol. 2 no. 2 Aug 2001 : p. 99-109.

Karam, J.M., Tony Griffiths and Tim Schultz
Mangrove clam harvest in a remote Indigenous community : Indigenous and scientific knowledge in wildlife harvest management. (manuscript) 2003-2005.

Land & Water Australia



'Implementing Indigenous "participatory" land management.' In *Australian land care* ; Mar 2001 : p. 24-25.

'Landmark guidelines for Indigenous involvement in NRM.' In *Ecos. No. 125*, (June - July 2005) : p. 7. See http://www.publish.csiro.au/ecos/index.cfm?sid=10&issue_id=5059.

Land rights – Case studies

'Changes to Land Rights Act.' In *Common Ground: a Northern Territory government news magazine for Indigenous Territorians*, No. 6 (Jan. 2006), p. 3-4.

Everett, Jim
'Cape Barren handback.' In *Chain Reaction*, Issue 94 (July 2005), p. 4-5.

Smith, B. R. (Benjamin Richard)
"All been washed away now" : tradition, change and Indigenous knowledge in Queensland Aboriginal land claim.' In Pottier, Johan, Alan Bicker and Paul Sillitoe, eds. *Negotiating Local Knowledge: Power and Identity in Development*. London: Pluto Press, 2003.

Ritter, David
'Nangkiriny v State of Western Australia [2004] FCA 1156.' In *Indigenous Law Bulletin*. Vol. 6, no. 6 (Oct. 2004), p. 20-21.

Legal issues

Christie, Michael
'Fracturing the skeleton of principle: Australian law, Aboriginal law and digital technology.' In *Ngoonjook: Journal of Australian Indigenous Issues*, No. 26 (Dec. 2004), p. 44-49.

Hall, Andrew and South Australia. Dept. for Family and Community Services.
A brief history of the laws, policies and practices in South Australia which led to the removal of many Aboriginal children : we took the children : a contribution to reconciliation. Adelaide : Dept. for Family and Community Services, 1998.

Kennedy, Joseph
'Operative protection or regulation of destruction? The validity of permits to destroy Indigenous cultural heritage sites.' In *Indigenous Law Bulletin*, Vol. 6, no. 14 (Oct. 2005), p. 20-22.

Morley, Ruth
'The Pitjantjatjara Land Rights Amendment Act: addressing governance on APY Lands.' In

Indigenous Law Bulletin, Vol. 6, no. 15 (Nov. 2005), p. 10-11.

Seiver, Anthony
'Defining the offence of unlawfully destroying Aboriginal heritage.' In *Indigenous Law Bulletin*. Vol. 6, no. 8 (Feb. 2005), p. 4-7.

Williams, Kevin
[review of] '*Australian Native Title Law* by Melissa Perry and Stephen Lloyd, Thomson Law Book Co, 2003.' In *Indigenous Law Bulletin*. Vol. 6, no. 6 (Oct. 2004), p. 22.

Mediation

Malezer, Les
'Indigenous peoples and conflict resolution: an account of the discussions at the 22nd Session of the Working Group on Indigenous Populations'. In *Indigenous Law Bulletin*. Vol. 6, no. 5 (Aug. - Sept. 2004), p. 7-9.

Newman, Samantha
'The Mawul Rom Project: an experience of cross-cultural mediation.' In *Indigenous Law Bulletin*. Vol. 6, no. 6 (Oct. 2004), p. 11-13.

Place names and site reports

Cleary, Denis and Brisbane History Group
'Placenames of the Nundah district.' In *Brisbane: local, oral and placename history*. Woolloowin, Qld. : Brisbane History Group, 1990, p. 64-68.

Dann, Elizabeth and Brisbane History Group.
'Aboriginal place names in Brisbane : misplaced, mispronounced and misunderstood.' In *Brisbane : local, oral and placename history*. Woolloowin, Qld. : Brisbane History Group, 1990, p. 79-83.

Fisher, Rod and Brisbane History Group
'The potential of placename research.' In *Brisbane: local, oral and placename history*. Woolloowin, Qld. : Brisbane History Group, 1990, p. 115-121.

Ryan, J. S. (John Sprott)
Some Aboriginal place names in New England. NOTE: Reprinted from *the Journal and proceedings of the Armidale and District Historical Society*, no. 5 1963.

Procedures and Protocols – Archives and Libraries

Nakata, Martin N. and Marcia Langton, eds.

WHAT'S NEW WITH THE NTRU

Call for papers: PBCs

As more determinations are reached, NTRBS are required to consider more carefully their relationship with native title groups. The need to foster independent Prescribed Bodies Corporate, that enable the effective enjoyment of native title rights and interests, is emerging as a policy priority. Among the issues that require consideration are the relationship between the construction of the native title group in authorisation and certification phases and the sustainability of resulting decision-making structures into the post determination phase. The NTRU is calling for Issues Papers that deal with this topic, particularly papers that address models that have led to successful experiences with PBCs. Please contact Donna Oxenham at donna.oxenham@aiatsis.gov.au or on 02) 6261 4222 for more information.

Staffing

After a happy and productive twelve months with NTRU Diana McCarthy will be leaving to take up the role of Research Coordinator at Native Title Services Victoria.

Lara Wiseman will also be leaving around Easter to begin her new role as Mum. Lara has been an invaluable member of the NTRU team and will be sorely missed.

Tran Tran has begun a three month internship for law students with NTRU and will be taking carriage of the State Connection Requirements research project.

Dr Stuart Bradfield finished up at AIATSIS on Thursday 5 January 2006. Stuart made an excellent contribution to the NTRU and is continuing his work in the area of native title, taking up a position with the Office of Native Title in Western Australia.

Nerida Mulvey joined the NTRU on a six week internship program (9 January -17 February 2006) for law students. Nerida is in her final year of a law degree at LaTrobe University and has over 20 years work experience as a social worker. Nerida assisted Lisa with native title legal research.

Ms Krysti Guest (currently Senior Legal Officer at Kimberley Land Council) has joined the NTRU on sabbatical to work on Agreements from 30 January – 31 March 2006.

Networks and collaboration

Compromised Jurisprudence: Native title cases since Mabo

Lisa Strelein

Publication date: May 2006.

Aboriginal Studies Press, AIATSIS, ISBN 0 85575 533 4 \$39.95, paperback

To be launched at the annual national Native Title conference in Darwin, 24 May 2006.


- Only critical examination of native title law (non-textbook).
- Maps the trajectory of native title law during its formative years
One of the most important legal doctrines in Australia, taught in every Australian law course as a foundational issue.
- Subject of enormous social political and cultural impact.

Native title has dramatically altered the law and public policy in Australia.

It has had a fundamental impact on social relations between Indigenous and non-Indigenous people. The courts have played a central role in its development, and continue to do so. Twelve years have seen the evolution of native title: from uncertain foundations to an arguably compromised, jurisprudence.

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

- Glen Kelly attended the Convention on Biological Diversity's Working Group on Article 8j and the Working Group on Access and Benefit Sharing meetings in Grenada, Spain, January 29 – Feb 3, 2006. Glen's travel was sponsored by the



Secretariat of the Convention of Biological Diversity.

- NTRU assisted with the NTRB CEO forum to be held in Melbourne 14-15 February 2006.
- Reception for the hosting of the International Council of Traditional Music (ICTM) at the ANU on 3 Feb. Stephen Wild, the incoming Secretary-General of ICTM, will be working with Grace Koch on the preparation of the ICTM Yearbook during his term in the office.
- NTRU hosted the Murray & Lower Darling Rivers Network Working Group Meeting 7-8 February 2006.
- As part of a team from the Library and NTRU, Grace Koch is working on new arrangements between the AIATSIS Library and the National Native Title Tribunal Library for access and copying documents.

Research Activities

IFAMP

Training Resource Guide

IFaMP's Training Resource Guide - *Finding Training Solutions in Indigenous Decision-Making and Dispute Management: A Resource for Native Title Representative Bodies* – is now complete. Thanks to those staff at Central Land Council who provided comments.

Evaluation Toolkit

A draft *Evaluation Toolkit: Training and Service Delivery in Decision-Making and Dispute Management Processes in Native Title*, which was prepared by Social Compass, is currently under review.

Training

In February and March, Toni Bauman and Rhiân Williams conducted 2 day training workshops in Dispute Management Skills for the staff of Native Title Services Victoria and the Central Land Council.

Ideally this 'trial' dispute management training will form the basis for development of more comprehensive training for Native Title Representative Bodies, Land Councils and Native Title Services.

Draft Policy Guidelines

Toni Bauman and Annalisa Koeman met with Mark Brett, Policy Officer and Annie Keely, Professional Legal Officer, Native Title Services Victoria on the 22 February 2006 to discuss IFaMP's draft *Guidelines for Developing Decision Making & Dispute Management Policies for Native Title Representative Bodies, Native Title Services and Land Councils*.

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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>

Native Title Research Unit

Australian Institute of Aboriginal and Torres Strait Islander Studies

GPO Box 553

Canberra ACT 2601

Telephone 02 6246 1161

Facsimile 02 6249 7714

Email: ntru@aiatsis.gov.au