



## What's New: February 2007

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## **Recent Cases (Australia)**

### ***Harrington-Smith on behalf of the Wongatha People v State of Western Australia (No 9)* [\[2007\] FCA 31](#)**

In each of the Wongatha proceeding (WAG 6005 of 1998) and the Cosmo Newberry proceeding (WAD 144 of 1998), the Court orders that the application be dismissed. In each of the Mantjintjarra Ngalia proceeding (WAD 6069 of 1998), the Koara proceeding (WAD 6008 of 1998), the Wutha proceeding (WAD 6064 of 1998), the Maduwongga proceeding (WAD 76 of 1997), the Ngalia Kutjungkatja No 1 proceeding (WAD 6011 of 2000), and the Ngalia Kutjungkatja No 2 proceeding (WAD 6001 of 2002), the Court orders that the application be dismissed to the extent that it relates to any land or waters that are also the subject of proceeding WAD 6005 of 1998 (Harrington-Smith and Ors v State of Western Australia and Ors).

### ***New South Wales Aboriginal Land Council v New South Wales Native Title Services Limited* [\[2007\] FCA 112](#)**

1. Orders that New South Wales Aboriginal Land Council be substituted for Illawarra Local Aboriginal Land Council as the applicant in the proceedings.
2. Orders that Illawarra Local Aboriginal Land Council be joined as a respondent in the proceedings.
3. Notes that Bruce Stephen Woolf of Woolf Associates Solicitors of Level 10, 82 Elizabeth Street Sydney acts as the solicitor for NSW Aboriginal Land Council and also as solicitor for Illawarra Local Aboriginal Land Council.
4. Grants leave to the applicant to file in court copy affidavit of Roy Kennedy affirmed 5 February 2007.
5. Orders that no native title exists in relation to the land described as Lot 323 DP823189.

### ***Bodney v Bennell* [\[2007\] FCAFC 11](#)**

1. Leave be granted to The Group 17 (Pastoral Interests) to intervene in relation to ground 4.4 of the draft notice of appeal of the State of Western Australia.
2. Such Outline of Submissions (if any) which the interveners consider would make a useful contribution to the proper disposition of ground 4.4 after consultation with the appellant's legal advisers, are to be no longer than five pages in length and are to be filed and served on the other parties to the appeal on or before Friday, 2 March 2007.
3. The interveners bear their own costs of the intervention.
4. Adjourn consideration of extending the intervention to the making of oral submissions until the close of the State of Western Australia's appeal.

### ***Doolan v Native Title Registrar* [\[2007\] FCA 192](#)**

NATIVE TITLE - application - applicant - registration of application - authorisation of a number of persons to act as an applicant – whether Native Title Registrar correct in deciding not to accept amended application for registration - effect of resolutions passed at authorisation meeting - withdrawal of members of the applicant after authorisation meeting but before registration of claim - whether further authorisation meeting required - proper interpretation of 'the applicant' in s 61(2) - application of the merits test in s 190B.

RELIEF - appropriate relief - registration of rights on Native Title Registrar under s 186(1)(g) - whether appropriate for Native Title Registrar to revoke decision.

COSTS - whether appropriate for Court to exercise its discretion to make an order for costs- whether actions of Registrar unreasonable in the circumstances - whether Registrar unreasonably maintained his position.

***Eringa No 1 Native Title Claim v The State of South Australia* [\[2007\] FCA 182](#)**

NATIVE TITLE - preservation of evidence - gender restricted evidence.

(Sourced from NNTT Judgements and Information email alert service)

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## **Publications**

### **National Native Title Tribunal**

#### **[Guide to Sources of Assistance and Funding for Prescribed Bodies Corporate. NNTT Research Unit](#)**

This guide presents an overview of funding ideas for prescribed bodies corporate.

#### **[What's new: Updated Maps and Statistics](#)**

The latest [What's new in the Library bulletin](#) is now available.

(Sourced from NNTT Judgements and Information email alert service)

### **Government Publications**

#### **[Bills Digest 2007 No. 77 : Native Title Amendment Bill 2006](#)**

Recommended reading outlining the purpose and background to the Bill and summary of the main provisions. Includes: Position of significant interest groups/press commentary; the Review mechanism etc.

#### **[A Red Tape Evaluation in Selected Indigenous Communities: Final Report for The Office of Indigenous Policy Coordination](#)**

Office of Indigenous Coordination [Directory of Indigenous-specific Evaluations 2001 - 2006](#)

The Directory of Indigenous-specific Evaluations 2001-2006 has identified evaluations of Indigenous programs undertaken by Australian Government departments and key external evaluators. The directory captures any significant Indigenous-specific evaluations or mainstream evaluations with a prominent Indigenous component. The directory provides summaries of the evaluations, their scope, and their main findings.

#### **[Standing Committee on Legal and Constitutional Affairs Inquiry into the Native Title Amendment Bill 2006](#)**

(Sourced from NNTT Judgements and Information email alert service)

## Other

### *Tracey Whetnall Consultancy and SCRIPT* [Natural Resource Management Cross-Cultural Awareness Training Framework](#)

Developed by for and on behalf of Department of the Environment & Heritage, and the Department of Agriculture, Fisheries and Forestry

This package intends to encourage ways to build better working relationships with Indigenous communities. Caring for Country, and understanding what this means to Indigenous peoples is an essential element. While this Framework is predominantly for the use of Indigenous people to facilitate learning about our culture, it is also hoped the package will be used in 'reverse' by non-Indigenous people, with the assistance of Indigenous people, to help educate some Indigenous peoples about the majority culture.

(Sourced from NNTT Judgements and Information email alert service)

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## Recent Events

### Seminars

<b>AIATSIS and Charles Darwin University Joint Seminar Series</b>	<b>Natural and Cultural Resource Management in Northern Australia</b>
<b>When:</b> Mondays 2007, 12.30pm - 2.00pm	The seminars will be held weekly during Semester 1 2007 (usually 12 seminars held). Six of the Seminars are usually held during lunchtime at AIATSIS Building in Canberra. (Mondays 12:30pm to 2:00pm Mabo Room, AIATSIS Building, Lawson Crescent, Acton Peninsula Canberra) Six of the Seminars will be held at CDU in real time, which will mean that seminars will take place at 11.00am Mondays (Building 24, Room 6: video conferencing room) (see Casuarina campus map at <a href="http://www.cdu.edu.au/campuses/">http://www.cdu.edu.au/campuses/</a> ) until the 19th March. From 26th March (with the end of daylight savings in Canberra, seminars will be held in Darwin 12.00pm– 1.30pm).
<b>Where:</b> Mabo Room AIATSIS Building, Acton Peninsula	For further information about AIATSIS Seminars: Ph: 02 6246 1144 or 6261 4208 Web: <a href="http://www.aiatsis.gov.au/rsrch/seminars.htm">www.aiatsis.gov.au/rsrch/seminars.htm</a>
<b>CAEPR Seminar Series 2007</b>	<i>7 March Social engineering and Indigenous demography: Testing the implications of current policy directions</i> John Taylor, Deputy Director and Senior Fellow, CAEPR
<b>When:</b> Wednesdays 12.30 - 2.00pm	<i>14 March Observing the 2006 Census in remote Aboriginal Australia: Preliminary findings</i> Frances Morphy (Research Fellow, CAEPR), Will Sanders (Fellow, CAEPR), John Taylor (Senior Fellow, CAEPR) and Kathryn Thorburn (PhD Researcher, CAEPR)
<b>Where:</b> CAEPR Seminar Room GO58, Ground Floor, Hanna Neumann Bldg #21, The ANU, Canberra	

*21 March Uncontained subjects: 'Population' and 'household' in remote Aboriginal Australia*

Frances Morphy, Research Fellow, CAEPR

*28 March How adequate is the Productivity Commission's Framework for Overcoming Indigenous Disadvantage?*

Boyd Hunter, Fellow, CAEPR

*4 April Normalising town tenure in remote Indigenous Australia: Theory, ideology, politics and public policy*

Michael Dillon, Associate, State Society and Governance in Melanesia Project, ANU

*11 April To Be Confirmed*

*2 May Mining, remote Indigenous communities and the state: Contestations over development futures*

Jon Altman, Director, CAEPR

*9 May To Be Confirmed*

*16 May Arrack and tuba: Indigenous Australians of the north meet distilled drinks*

Maggie Brady, Fellow, CAEPR

*23 May The contraction of the CDEP Scheme under new management after thirty good years: Growing old or returning to remote area origins in times of low unemployment?*

Will Sanders, Fellow, CAEPR

*30 May Indigenous poverty and policy approaches in urban NSW: A multidimensional approach*

Rebecca Reeve, (PhD Researcher, Macquarie University)

Ph: (02)6125 0587

Email: [admin.caepr@anu.edu.au](mailto:admin.caepr@anu.edu.au)

Wb: <http://www.anu.edu.au/caepr/events07.php>

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### **Upcoming events**

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#### **Indigenous Research Workshop**

**When:** 15 March 2007

**Where:** Kempsey Library

The Kempsey Library is hosting a workshop on researching Indigenous records with a focus on records held both in NSW and nationally.

[2007 AAS Conference - Transforming Economies, Changing States](#)

**When:** 30 October – 2 November 2007

**Where:** Australian National University, Canberra

**Preliminary call for session themes**

This conference aims to provide a forum for contemporary anthropological engagements with 'the economic' and 'the state', 'government' and 'the political' more generally.

Those proposing sessions should email a session name and a description of no more than 200 words to the conference Organising Committee, c/o Dr Monique Skidmore (Monique.Skidmore@anu.edu.au).

A separate workshop provisionally entitled **Practice and practicality: anthropology in Indigenous Australia** will also be held on Monday 29 October, and a **Postgraduate Workshop** on 30 October.

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**Opportunities**

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**Rio Tinto NTRB Scholarships**

**Application period:** Please note that this year applications will be open from 19 February through 23 March. The program commences in September 2007

Once again two scholarships are being offered by Rio Tinto and the University of Dundee to lawyers working or planning to work in the NTRB system.

The two scholarships (known as Rio Tinto Chevening Scholarships) cover all the expenses involved in undertaking a one-year Master of Laws (LLM) in Mineral Law and Policy at the University of Dundee, Scotland (approximately \$55,000), and are open to any Australian resident with a law degree. One change on last year (imposed by the British Government which partially funds the scholarship) is that candidates need to be between 25 and 35 years of age. We are trying to remove this unnecessarily restrictive constraint but have been unsuccessful to date.

The successful candidates will commit to work within the NTRB system for a minimum period of two years.

FaCSIA has agreed to provide \$15,000 towards the living expenses of those recipients of the scholarship who are working within the NTRB system at the time they receive the scholarship.

**Contact:**

Richard Potok

[richard.potok@auroraproject.com.au](mailto:richard.potok@auroraproject.com.au)

### Indigenous Fieldwork Scholarships

**When:** Closing date 2 April 2007.

The Australian Centre for Indigenous History, at the Australian National University is calling for applications for the Minoru Hokari Memorial Scholarship. The \$5000 scholarship is intended to support historical fieldwork in any Indigenous community.

For further enquiries, please contact  
The Administrator, History Program,  
Research School of Social Sciences  
ANU College of Arts and Social Sciences  
Australian National University  
Canberra, ACT, 0200  
Ph: (02) 6125 2354

For more information see <http://histrsss.anu.edu.au>

### SWALSC Register of consultants

**Closing date:** 9 March 2007

SWALSC is a Native Title Representative Body under the amended *Native Title Act* representing the Noongar people of the south-west region of WA in Native Title claims and a range of Future Act matters.

SWALSC engages various consultants to provide services on a regular basis in relation to a range of matters, including Native Title claims, Future Acts and other Heritage matters, and in particular, survey work. For this reason SWALSC maintains a register of suitably qualified consultants. SWALSC is currently seeking expressions of interests from anthropological and archaeological consultants.

We invite suitably qualified consultants to make submissions addressing specified criteria with a view to being included on our Register of Consultants.

#### Contact and information:

Henry Cox  
[Henry.Cox@Noongar.org.au](mailto:Henry.Cox@Noongar.org.au)  
Ph: (08) 93587404

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## Employment

Role and closing date	Location	Description	Contact
<a href="#">Geospatial Specialist</a> 8 March 2007	NNTT, Information and Knowledge Management Brisbane	The Geospatial Specialist reports to the Senior Geospatial Specialist, undertaking a range of tasks associated with the delivery of geospatial information, products and services.  APS Level 6, non ongoing (18 months with a possible extension for 3 years)	Jeff Harris Ph: (07) 226 8270

<a href="#">Research Manager</a>	NNTT, Service Delivery, Perth	The Research Manager provides essential management services to a team of professional research workers and consultants engaged specifically in the production of materials for mediations, and generally for the wider research needs of the Tribunal.	Hugh Chevis Ph: (08) 9268 7304
8 March 2007		Executive Level 2, ongoing	
<b>Post Doctoral/Research Fellow (2 positions) – Participatory Planning</b>	Queensland or Darwin	Griffith University is seeking two highly skilled researchers with excellent communication skills to contribute to a new multi-institutional project on water planning. The positions will be offered on a 2 year fixed-term basis.	Griffith University position: <a href="http://www.griffith.edu.au/hrm/employment/">www.griffith.edu.au/hrm/employment/</a> Ph: (07) 3735 4010. Reference Number GLS16251/07
14 March 2007		This project, funded by the National Water Commission will trial and promote practical tools for improving industry, Indigenous and broader community participation in water planning. One of these positions will be employed and located with Griffith University at Brisbane/Gold Coast and the other employed through and located with CSIRO Sustainable Ecosystems in Darwin.	CSIRO position visit: <a href="http://www.csiro.au/careers">www.csiro.au/careers</a> Ph: 1300 301 509. CSIRO Reference Number 2007/127
<a href="#">Lecturer in Anthropology</a>	Department of Anthropology, School of Historical and Philosophical Inquiry  The University of Sydney	The Department of Anthropology at the University of Sydney seeks to appoint a fixed-term Lecturer Level B for two and a half years beginning in July 2007.	Associate Professor Daryl Feil, <a href="mailto:daryl.feil@arts.usyd.edu.au">daryl.feil@arts.usyd.edu.au</a>
30 March 2007		Applicants must have completed a PhD in Anthropology, or in a related area. The successful applicant must be able to teach an upper level unit on migration/migrant cultures and have the ability to contribute significantly to lower level introductory units in anthropology (1001 Cultural Difference; 1002 Globalisation and Experience). Experience in the teaching of Urban Anthropology would also be an advantage.  Remuneration package: \$81,729 - \$97,053.09 p.a. (which includes a base salary Lecturer Level B \$69,062 - \$82,011 p.a., leave loading and up to 17% employer's contribution to superannuation).	

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## Applications Lodged with the Federal Court

### Native title applications lodged by date

DATE FILED	APPLICATION NAME	APPLICATION TYPE	STATUS	STATE/TERRITORY	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
7/02/2007	<a href="#">NSW Minister for Lands #11</a>	NON-CLAIMANT APPLICATION	ACTIVE	NSW	NN07/2	NSD158/07
19/02/2007	<a href="#">WAGYL KAIP - DILLON BAY</a>	CLAIMANT APPLICATION	ACTIVE	WA	WC07/1	WAD33/07
20/02/2007	<a href="#">Budjiti People</a>	CLAIMANT APPLICATION	ACTIVE	QLD	QC07/2	QUD53/07

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/applications/](http://www.nntt.gov.au/applications/) accessed 27/02/2007. For further information about native title applications contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

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## Notifications

### Native title applications by current notification of applications

NOTIFICATION CLOSING DATE	APPLICATION NAME	APPLICATION TYPE	DATE FILED	STATE/TERRITORY	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
19/03/2007	<a href="#">NSW Minister for Lands #10</a>	NON-CLAIMANT APPLICATION	13/11/2006	NSW	NN06/14	NSD2240/06
19/03/2007	<a href="#">South West Boojarah #2</a>	CLAIMANT APPLICATION	5/09/2006	WA	WC06/4	WAD253/06
27/05/2007	<a href="#">Town of Batchelor No. 3</a>	CLAIMANT APPLICATION	20/10/2006	NT	DC06/4	NTD18/06
28/05/2007	<a href="#">Bundambar Pty Ltd</a>	NON-CLAIMANT APPLICATION	9/01/2007	NSW	NN07/1	NSD37/07
13/06/2007	<a href="#">Ngurrulpa</a>	CLAIMANT APPLICATION	8/12/2006	WA	WC06/5	WAD357/06

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/applications/](http://www.nntt.gov.au/applications/) accessed 27/2/2007. For further information about native title applications in notification contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

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## Registration Test Decisions

There were no registration test decisions in February 2007.

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au](http://www.nntt.gov.au) accessed 6/03/07. For further information about Registration Test Decisions contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

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## Determinations

There were no native title determinations in February 2007.

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au](http://www.nntt.gov.au) accessed 06/03/07. For further information about native title determinations contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

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## Indigenous Land Use Agreements

### Registered Indigenous Land Use Agreements by date

TRIBUNAL FILE NO.	NAME (NNTT HYPERLINK)	TYPE	STATE/TERR.	REGISTRATION DATE	SUBJECT MATTER
QI2006/049	<a href="#">Muluridji People Small Scale Mining &amp; Exploration Activities ILUA</a>	AREA AGREEMENT	QLD	23/2/2007	MINING
QI2005/012	<a href="#">Enertrade - Darumbal CQGP Agreement</a>	AREA AGREEMENT	QLD	13/2/2007	PIPELINE

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au](http://www.nntt.gov.au) accessed 06/03/07. For further information about Indigenous Land Use Agreements contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

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## Future Act Determinations

### Future Act consent determinations by determination date

DETERMINATION DATE	NNTT FILE NO. (NNTT HYPERLINK)	DECISION/ DETERMINATION	PARTIES
2/02/2007	<a href="#">WF06/67</a>	Consent determination: future act can be	Allan Bolton and Others on behalf of Southern Noongar (WC96/109) (Southern Noongar native title party)

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done

- and -  
Glen Colbung and Others on behalf of Wagyl Kaip (WC98/70) (Wagyl Kaip native title party)  
- and -  
Graham George Parker Ayres (grantee party)

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This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/futureact/Determinations.html](http://www.nntt.gov.au/futureact/Determinations.html) accessed 06/03/07 . For further information about future act determinations contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

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### Other Future Act determinations by determination date

DETERMINATION DATE	NNTT FILE NO. (NNTT HYPERLINK)	DECISION/ DETERMINATION	PARTIES
6/02/2007	<a href="#">WO05/896</a> <a href="#">WO05/897</a> <a href="#">WO05/898</a> <a href="#">WO05/899</a> <a href="#">WO05/900</a> <a href="#">WO05/901</a> <a href="#">WO05/902</a> <a href="#">WO05/903</a> <a href="#">WO05/905</a> <a href="#">WO05/906</a> <a href="#">WO05/907</a> <a href="#">WO05/908</a> <a href="#">WO05/909</a> and <a href="#">WO05/910</a>	Objection - Dismissed	Leo Thomas & Others on behalf of the Wongatha People – (WC99/1) (native title party)  - and -  The State of Western Australia (Government party)  - and -  Peter Andrew Wiltshire (grantee party)

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This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/futureact/Determinations.html](http://www.nntt.gov.au/futureact/Determinations.html) accessed 27/2/2007. For further information about future act determinations contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

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*What's New* is intended as an information resource and includes material produced by people involved in native title research and practice. 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. Information contained in *What's New* should not be relied upon in the preparation of claims. AIATSIS acknowledges the funding support of the Office of Indigenous Policy Coordination (OIPC) - Native Title and Land Rights Centre.

