



What's New: November 2006

Contents

[Legislation](#)

[Recent Cases](#)

[Books, Journals, Issues Papers and Discussion Papers](#)

[On-line Publications](#)

[Up-coming Events](#)

[Recent Events](#)

[Opportunities](#)

[Employment](#)

[Notifications](#)

[Determinations](#)

[Indigenous Land Use Agreements](#)

[Future Act Determinations](#)

Legislation

[Corporations \(Aboriginal and Torres Strait Islander\) Consequential, Transitional and Other Measures Act 2006](#)

An Act to deal with transitional and consequential matters relating to the enactment of the Corporations (Aboriginal and Torres Strait Islander) Act 2006 and to amend the Native Title Act 1993, and for related purposes

Date of commencement 4 November 2006

Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006.

Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2006

[Bills Digests no.38-39, 2006-10-30](#)

The purpose of these Bills is to make amendments to the Corporations Act 2001 required for compatibility with the new regime for Aboriginal and Torres Strait Islander corporations under the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 (CATSI Bill), and to make associated transitional and consequential amendments to other Acts

[Back to contents](#)

Recent Cases (Australia)

***Gordon Charlie v Cape York Land Council* [\[2006\] FCA 1418](#)**

NATIVE TITLE - application for an interim injunction to restrain the conduct of an authorisation meeting at Hope Vale convened by the Cape York Land Council in connection with a Native Title Determination Application by the Dingaal claim group.

***Forster Local Aboriginal Land Council v New South Wales Native Title Services Limited* [\[2006\] FCA 1455](#)**

Orders, pursuant to s 47B of the Federal Court of Australia Act 1976 (Cth), that Mr Hagan of Baker & Borthwick Solicitors be allowed to appear before the Court by way of audio link. 2. Orders by consent that there be no mediation in relation to the whole of the proceeding in accordance with s 86B(2) of the Native Title Act 1993 (Cth). 3. Orders that no native title exists in relation to the land described as Lot 2 DP 1014466.

***Wiri People # 2 v State of Queensland* [\[2006\] FCAFC 158](#)**

1. The appeal be allowed.
2. Order 3 made by the Court on 19 June 2006 be set aside and in lieu thereof:
 - (a) Order that the Appellants be given leave to file in court today an amended application.

- (b) Order that the Appellants file and serve within 21 days an affidavit setting out the basis upon which the amended application filed today has been authorised including, notice given of the authorisation meeting, attendance record and minutes and resolutions.
 - (c) Order that the Appellants file and serve within 21 days an affidavit by an applicant to the effect that the claim group comprises all of those who, to his or her best knowledge, information and belief are the native title holders.
3. In default of compliance with orders 2(b) or 2(c) above, the Appellants show cause why the application should not be dismissed.
 4. There be no order as to costs.
 5. The matter be remitted to the docket judge in relation to any need to consider order 3 of these orders and otherwise generally.

Kuuku Ya'u v State Of Queensland & Ors [\[2006\] FCA 1500](#)

NATIVE TITLE - application pursuant to s 84(8) of the Native Title Act 1993 (Cth) to remove parties from a proceeding.

Baird v State of Queensland [\[2006\] FCAFC 162](#)

Human rights - Racial Discrimination - payments by the Lutheran Church to indigenous workers at below-award wages - State of Queensland calculated and paid grants for such below-award wages – racial discrimination.

Anderson (behalf of Numbahjing Clan within the Bundjalung Nation) v Minister for Infrastructure Planning & Natural Resources [\[2006\] NSWLEC 725](#)

Judicial Review - whether Minister's development consent for housing subdivision valid - failure to take into consideration massacre of Aboriginal people in the area in the 19th century - failure to take into consideration that judgment was reserved in a case challenging the validity of a consent to destroy Aboriginal objects under s 90 National Parks and Wildlife Act 1974 - whether decision manifestly unreasonable - whether condition void for uncertainty - whether misleading conduct by applicant can invalidate development consent.

Ben Ward, Kim Aldus, Frank Chulung, Sheba Dignari & Ors v State of Western Australia & Ors

Consent determination acknowledging the Miriuwung, Gajerrong, Doolboong, Wardenybung and Gija groups and other Aboriginal people who are acknowledged by these groups as having rights in the determination area.

Gordon Charlie V Cape York Land Council (No. 2) [\[2006\] FCA 1683](#)

NATIVE TITLE - further application for an interim injunction to restrain the conduct of an authorisation meeting to be held at Hope Vale convened by the Cape York Land Council in connection with a Native Title Determination Application by the Dingaal claim group.

(Sourced from NNTT Judgements and Information email alert service)

[Back to contents](#)

Books, Journals, Issues Papers and Discussion Papers

Journals

Ulla Secher

The doctrine of tenure in Australia post-Mabo: replacing the 'feudal fiction' with the 'mere radical title fiction'

Australian Property Law Journal (2006) Vol 13 No 2 pp. 107-139

Australian Property Law Journal (2006) Vol 13 No 2 pp. 140-178

Summary: "Until the decision of the High Court in *Mabo*, the universal acceptance and application of the English doctrine of tenure in Australia led to the view that all titles, rights and interests in land had to be the direct consequence of some grant of the Crown. In *Mabo*, however, six justices of the High Court agreed that the common law, as it had been previously understood, should be changed to recognise native title rights to land; rights which do not derive from a Crown grant. The common law device adopted by the High Court to effect this change, and thereby reconcile the doctrine of tenure and native title when the Crown acquired sovereignty of Australia, was 'radical title'. This two-part article examines how the *Mabo* High Court redefined the English doctrine of tenure, or, more accurately, defined the Australian doctrine of tenure, by developing the concept of radical title. It will be seen that in order to achieve this redefinition, the court had to clarify two interrelated aspects of the common law: the applicability of the English (feudal) doctrine of tenure in Australia and the legal effect of the classification of Australia as settled. Part 1 lays the foundation for this analysis by examining the genesis of the doctrine of tenure in pre-Conquest England and the pre-*Mabo* effect of the colonisation of Australia and the reception of English land. The question posed in Part 2 is twofold: first, how and why the Australian doctrine of tenure, with radical title as its postulate, diverges from the doctrine of tenure in English land law. Secondly, what are the implications, beyond recognition of native title, of the redefined doctrine of tenure for Australian real property law? Crucially, it will be seen that the implications of the Australian doctrine of tenure are suggested by either pre-feudal forms of landholding or the traditional exceptions to the feudal doctrine of tenure, which both include allodial landholding. In particular, it will be seen that the High Court's restatement of the common law provides a basis upon which Aboriginal customary law title can be a valid source of non-derivative common law title to land and thus an alternative to native title." (Abstract)

Larissa Behrendt

Native title: beyond the backyards and beaches

New Matilda, 5 October 2006

Summary: "The successful native title claim by the Noongar people of south-west Western Australia is the latest in a string of landmark native title cases, but has received more attention than other recent decisions. Indigenous people across the country celebrated the fact that a Federal Judge was able to recognise the presence of living Aboriginal communities and cultures and their ongoing connection to the land in the urban and long-colonised rural areas of Australia. Instead of joining the celebration, or even taking some time to contemplate the implications of the outcome, politicians on both sides of the fence were quick to attack the decision." (page 1)

Ciaran O'Faircheallaigh

Aborigines, mining companies and the state in contemporary Australia: a new political economy or 'business as usual'?

Australian Journal of Political Science (2006) Vol 41 No 1 pp. 1-22

Summary: "Since the early 1990s major changes have occurred in the legal, policy and institutional context within which mineral development occurs on Aboriginal land in Australia. This article

assesses whether these changes have substantially enhanced the capacity of Aboriginal people to control mining and share in its benefits. It examines, in turn, the major actors involved in mineral development in Australia, the policy positions they are adopting and the way in which they are behaving in relation to mining on Aboriginal land. It concludes that while some Aboriginal groups are gaining greater control over resource development, many have failed to do so, reflecting the fact that the legal, policy and institutional environment remains largely hostile to Aboriginal interests. Only adoption by Aboriginal people of effective political strategies operating on a number of scales can change this situation." (Abstract)

Gaye Sculthorpe

Recognising difference: contested issues in native title and cultural heritage

Anthropological Forum (2005) Vol 15 No 2 pp. 171-193

Summary: "In this paper I first briefly discuss concepts of cultural heritage and then examine some issues surrounding current cultural heritage legislation. Next, I discuss opportunities with native title processes and consider them in relation to cultural heritage issues. I then outline some recent examples of how communities and governments (in eastern Australia) have used native title processes to protect aspects of cultural heritage within existing frameworks. In my concluding summary, I consider both present limitations surrounding legislative regimes and future possibilities for the enhancement of heritage values in Australian society." (pp. 171-172).

P. G. McHugh

New dawn to cold light: courts and common law Aboriginal rights

New Zealand Law Review (2005) No. 4 pp. 485-532

Summary: "This article records the journey of the "legalisation" of aboriginal rights in the common law jurisdictions of North America and Australasia. By this process of legalisation, the aboriginal peoples of those jurisdictions became rights-bearing inhabitants of the host common law legal systems, and this was largely the result of public interest litigation that took place during the last quarter of the twentieth century in the relevant host legal systems. The article explains how such aboriginal peoples were jolted into the common law "rights-place" through various landmark judgments in which courts heralded the replacement of the previous pattern of juridical exclusion and marginalisation with a new national jurisprudence of rights and inclusion. Although the transformative effects of the landmark judgments were somewhat delayed, they were nonetheless seismic in the procedural and substantive effects that they eventually did produce for tribal nations and lawmakers further down the track. In their afterlife, the article explains, they have given to aboriginal peoples a rights-based politics that has enabled them to participate more fully in the legal system/society of which they are a part. Still, work remains to be done, and for aboriginal communities the experience of this busy, often frantic, new legalism ("lawfare") has been fraught." (Abstract).

This article is based on a paper delivered at the Legal Research Foundation conference, "Law, Social Policy, and the Role of the Courts ", held in Auckland in August 2005.

Neva Collings

The rights of Indigenous peoples to water: international environmental and human rights standards

Journal of Indigenous Policy (2006) Issue 6 pp. 60-77

Summary: "The national water reform process has separated on-shore water from land by abolishing riparian common law rights and creating tradable property rights, a process that has for the most part excluded Australia's Indigenous people in terms of their status as first peoples with customary decisionmaking protocols. It is only in the jurisdictional roll out that Indigenous people are mentioned, in queue with other stakeholder interest groups, competing for allocations and priority access, and even then only in some jurisdictions not others. In fact some stakeholder groups have far greater decision-making power than Indigenous people in terms of selecting their own representation on catchment committees. This overarching national exclusion and limited jurisdictional inclusion runs counter to international legal principles concerning the fundamental rights of Australia's Indigenous people whose matrix of rights associated with water - spiritual, social, economic, cultural, civil and political - should take precedence over other commercial interests." (Page 60)

Charlotte A. Bell

A corner turned: Supreme Court of Canada decisions of the year past

The Supreme Court law review. Second series (2006) Vol 34 pp 433-441

Summary: "[In 2005] the Supreme Court of Canada handed down two significant decisions, *R. v. Marshall*; *R. v. Bernard* (and its Nova Scotia counterpart, *R. v. Stephen Marshall*), and *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*. Superficially read, these cases seem to represent a complete turnabout - in one case the Court adopts a very restrictive posture towards the protection of Aboriginal rights, and in the next, seems to adopt the opposite. Upon a more thoughtful read, when taken together, the cases suggest a more cohesive approach, and indicate where the Supreme Court is heading in the area of assertion and protection of Aboriginal rights. The purpose of this paper is to examine the two cases with a view to extracting their themes, and then joining these themes together in the articulation of a cohesive theory that will reveal the direction the Court will likely go in future Aboriginal rights cases. The paper will start with a brief review of the facts, findings of law, and conclusion as to the underlying approach of each case seriatim. It will conclude by comparing each of these seemingly inconsistent approaches, and discussing how the apparent inconsistency can be resolved." (pp. 433-434)

Mahmud Jamal

Treaty interpretation after R v Marshall; R v Bernard

The Supreme Court law review. Second series.(2006) Vol 34 pp 443-463

Summary: "*R. v. Marshall*; *R. v. Bernard* is no doubt one of the most important rulings on Aboriginal title and treaty rights to be released by the Supreme Court of Canada for some time. The decision contains much to ponder about both the nature of Aboriginal title and how to interpret historical treaties. This paper focuses on the treaty issues in *Marshall*; *Bernard*, against the backdrop of the Court's earlier rulings in *Marshall 1* and *Marshall 2*, and seeks to identify some issues and implications for treaty litigation arising out of the Court's ruling." (Page 443)

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

[Back to contents](#)

Discussion Papers

[Technical Amendments To The Native Title Act. Second Discussion Paper](#)

Technical amendments to the Native Title Act was released for public comment on 22 November 2006. Comments on the amendment proposals are requested by 22 December 2006.

The second discussion paper follows the release of an [initial discussionpaper](#)

Stakeholder comments on those proposals and further suggestions for amendment were requested by 31 January 2006.

The second discussion paper incorporates:

- amendment proposals from the first discussion paper that were modified or discontinued as a result of consultation, and
- a large number of additional amendment proposals suggested by stakeholders.

Click on technical amendments to the Native Title Act from

<http://www.ag.gov.au/nativetitlesystemreform>

[NADRAC Legislating for alternative dispute resolution: A guide for government policy-makers and legal drafters](#)

This report identifies the key issues policy-makers need to consider when incorporating ADR processes into new or existing legislation. It then addresses these issues by reviewing relevant statutes and cases and by providing a discussion of relevant policy issues. The report also recognises that legislation may not be necessary in every case. The guide begins by addressing this possibility and discussing alternatives to legislation.

[Indigenous governance at the crossroads: The way forward John Cleary](#)

Current governance structures in remote Aboriginal communities are in urgent need of reform. In this paper, John Cleary argues that the Northern Territory Government's plan for Regional Shires is a step in the right direction, but we must be very clear about what is not working and how the new Shires will work. He supports the establishment of a simplified, amalgamated system of local governance and a clarification of the responsibilities of existing organisations.

Speeches

Graeme Neate [Native title and sustainable agreement-making: options, obstacles and opportunities](#) (Paper presented at the MCA Sustainable Development Conference 2006 'Operating for enduring value' Perth, 25 October 2006)

Native title has been part of Australian law since the 1992 decision of the High Court in *Mabo v Queensland (No 2)* and, more comprehensively, since the enactment, amendment and judicial interpretation of the Native Title Act 1993. While there is ongoing criticism of the length of time it takes to get a native title result – be it a determination of native title or approval for a future act (such as the grant of an exploration, mining or petroleum tenement) – those involved in the native title regime are now largely familiar with its limitations and opportunities.

The Native Title Act expressly favours agreed outcomes, and in recent years there has been a demonstrable increase in the numbers of agreements reached. It is now possible to analyse practical aspects of agreement-making. This paper considers:

- where agreement-making fits into the native title scheme
- some obstacles to agreement-making
- some tips on what makes sustainable agreements, particularly in the resources sector. (p3)

Reports

Western Australia Law Reform Commission

[Aboriginal Customary Laws. Final Report](#)

This Final Report is the culmination of the Law Reform Commission of Western Australia's six-year inquiry into the recognition of Aboriginal customary laws in Western Australia. Over these six years the Commission has conducted wide-ranging research and has consulted not only with the Aboriginal peoples of Western Australia, but also with many Aboriginal and non-Aboriginal organisations, government agencies and individuals. This Report contains a total of 131 [recommendations](#) for reform. Two important recommendations relate to the recognition of the unique status of Aboriginal peoples in the Western Australian Constitution and the creation of an Office of the Commissioner for Indigenous Affairs. The breadth of the actions required to give effect to the Commission's recommendations can be seen from this summary as can the need for a coordinated response. (p vii)

National Native Title Tribunal

[Annual Report 2005–2006](#)

The NNTT has released its annual report which deals with the range of registration, mediation, arbitration, assistance and other statutory functions performed by the Native Title Registrar and members and employees of the National Native Title Tribunal (the Tribunal). It also details a new output structure in place, where the NNTT has developed a new Strategic Plan, implemented communication reform and contributed to the Australian Government's reform agenda for key aspects of the native title system and the institutions that administer that system. The focus and possible outcomes of the reform agenda are discussed in the report as well as the responses of the Tribunal to the challenges it faces in the native title arena.

Dr Caroline Bird & A/Prof Sylvia J Hallam

["Archaeology and rock art in the Dampier Archipelago"](#)

These reports describe the heritage values and conservation issues in the Dampier Archipelago. The main focus is on the archaeological and scientific importance of the area, while acknowledging its continuing significance to Aboriginal people. The non-technical report is aimed at the general audience and is based on a longer and more technical review of the values of the Dampier Archipelago, which aims to describe what is known and what is not known about the cultural heritage of the area, to outline its significance, and to identify the key issues with respect to its conservation for future generations

Case notes

The long and winding road: case comment on Mikisew Cree First Nation v Canada (Minister of Canadian Heritage) The Supreme Court law review. Second series.(2006) Vol 34 pp 465-475

Summary: "In *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, the Court addressed the tension in the numbered treaties between the right of First Nations to hunt and fish as before and the authority of governments to "take up" land for settlement and other purposes. The Court decided that the Crown must engage in a meaningful process of consultation and accommodation when a contemplated "taking up" may have an adverse effect on the exercise of a First Nation's treaty rights. These duties apply regardless of whether the "taking up" is so substantial as to amount to a prima facie infringement of a treaty right." (p 465)

The decision [*Mikisew Cree First Nation v. Canada \(Minister of Canadian Heritage\)*, \[2005\] 3 S.C.R. 388](#) is also available online.

[Back to contents](#)

On-line Publications

CAEPR

Craig Linkhorn

[Maori Land and Development Finance](#)

This paper examines issues connected with the availability of finance to develop Ma-ori land and the use of Ma-ori land as security for loans, using two case studies. The paper concludes with some

remarks about the New Zealand situation that might be relevant and of interest to those working with Indigenous landowning communities in Australia (abstract).

NNTT

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

[Updates to the Guide to Future Act Decisions](#)

The Guide to future act decisions made under the Commonwealth right to negotiate scheme has been updated and is available on the website. Compiled by Member Chris Sumner, these updates include an additional 18 case notes of significant decisions, updated to 30 September 2006.

[Updated geospatial maps and statistics](#)

[Upcoming Events](#)

Conferences

National Indigenous Environmental Health Conference - Cairns May 2007

When: 22 - 24 May 2007

Where: Cairns Convention Centre.

(Abstracts are required by 4 December 2006)

Queensland Health has the honour of hosting the 6th National Indigenous Environmental Health Conference in Cairns on behalf of the Health Indigenous Environmental Health Working Group.

The organisers are seeking abstracts for oral presentations and storyboard / poster presentations to explore the conference theme "Taking on the Challenge - Indigenous Environmental Health".

Copies of the Report of the 5th National Indigenous Environmental Health Conference 2004 are also available.

Contact:

Sonja Carmichael
Environmental Health Unit
Queensland Health
Ph: (07) 3234 1483
Fax: (07) 3234 1480
Email: Sonja_Carmichael@health.qld.gov.au

[From Welfare to Social Investment: Reimagining Social Policy for the Life Course](#)

When: 21- 22 February 2007

Where: Hotel Y Melbourne Australia

The From Welfare to Social Investment conference will be an exploration of policy proposals designed to assist people in making transitions across the life course. This conference will boast a focus on social investment and an investigation into how such ideas can translate into an updated participation income - or guaranteed minimum income - proposal. Sir Tony Atkinson from Nuffield College, Oxford University, will be a keynote speaker at this conference. Sir Tony is internationally known for his work on inequality and income distribution. He has been the Warden of Nuffield College, University of Oxford since 1994 and has been involved as an advisor to the European Union on social policy issues. Sir Tony's address at this conference will focus on ways of harmonising social and economic policy in an information society.

Other confirmed speakers for this event include:

- Terry Carney (University of Sydney); Kim Carr (ALP); Lyn Craig (University of New South Wales);
- Julian Disney (University of New South Wales); John Freebairn (Melbourne Institute);
- Rod Glover (Department of Premier and Cabinet, Victoria)
- Kanishka Jayasuriya (Murdoch University); Ian Katz (University of New South Wales);
- Sascha Liebermann (University of Dortmund);
- Deborah Mitchell (Australian National University);
- Pauline Niemiowski (University of Adelaide); Peter Saunders (University of New South Wales);
- Timothy Smeeding (Syracuse University);
- Richard Teese (University of Melbourne) and
- Alex Wearing (University of Melbourne)..

[Back to contents](#)

Recent events

[World Archaeological Congress symposium on Cultural Heritage &](#)

[Indigenous Cultural & Intellectual Property Rights](#)

When: 3-5 December 2006

Where: South Australia
Burra

This international symposium has participants from Japan, New Zealand, South Africa, the USA and Canada, around half of whom will be Indigenous. The sessions are:

- Barney Warria and Ronald Berndt: their Relationship and Intellectual Property
- Indigenous Peoples, Archaeologists and the Research Process
- Managing Cultural Values and Biodiversity: Research, Cultural Knowledge and Intellectual Property on Ngarrindjeri Ruwe
- Indigenous People and Film: Getting your Story Out There.
- The Rights of Rock Art: Using and Abusing Ancient 'Images' in a Modern World? One Law? Two Laws? Many Laws?
- Publishing: Negotiating Clashing World Views

NNTT Melbourne Native Title Forum with Fred Chaney.

When: 29 November 2006

Is reconciliation a part of a native title outcome? Is native title part of reconciliation?

As well as his role as Deputy President of the National Native Title Tribunal, Mr Chaney is also a Director of Reconciliation Australia. Mr Chaney practised law in New Guinea and Western Australia, before

Where: National Native Title Tribunal, Conference Room, Level 8 310 King Street, Melbourne

entering the Senate in 1974 where he was Leader of the Opposition from 1983 until 1990. Mr Chaney was appointed as Officer in the Order of Australia (AO) for his service to the Parliament of Australia and to the Aboriginal community.

[Back to contents](#)

Opportunities

NTRU Call for Publications

The Native Title Research Unit is calling for papers to be published as a part of its Land, Rights, Laws: Issues of Native Title series. Papers should be approximately 3000 – 3500 words. The Issues Papers series is a multi-disciplinary series of short research papers. Issues Papers allow the NTRU to target a number of emerging issues in native title research, reflecting on 'bigger picture' issues in a form that is of high academic quality but in a size and format that is useful to practitioners and researchers.

Papers can be submitted to the editor for consideration, the editor can also invite papers from certain people or on certain topics. Papers are peer reviewed by two independent experts in the area the paper covers.

Contact: 02 6246 1161 or ntru@aiatsis.gov.au.

Oxfam International Youth Partnerships (OIYP)

Oxfam is looking for 15 Indigenous young people from Australia, to join 300 other young people from around the world Indigenous and non-Indigenous who are creating changes in their community to improve the situation of their people in a way that is meaningful to them. Past participants from Australia have worked on things such as developing Hip Hop workshops for young people in their community, setting up youth councils and running health awareness workshops just to name a few.

Contact:

03 9289 9352 or cheriem@oxfam.org.au

Indigenous Peoples, Minorities, Human Rights and Advocacy in the Asia-Pacific Region

A Human Rights Training Program for Advocates

When: 14- 23 April 2007

Where: Darwin, Australia

The Diplomacy Training Program is seeking applications for its next regional Indigenous Peoples, Minorities, Human Rights and Advocacy Program to be held in collaboration with Batchelor Institute of Indigenous Tertiary Education. The program is for community advocates working for Indigenous Peoples' Rights in Australia and Indigenous Peoples and Minorities in the Asia-Pacific region.

The residential training course provides:

- Knowledge of international human rights law and the UN system, with particular emphasis on Indigenous Peoples' rights
- Understanding of how international standards relate to

issues such as intellectual property, the environment, community development and corporate accountability

- Practical training in strategic advocacy and peoples' diplomacy including skills in working with the media and using the internet for advocacy

Further information and application forms are available at www.dtp.unsw.edu.au or by contacting actiondtp@unsw.edu.au. The closing date for applications is 14 February, 2007.

[Back to contents](#)

Employment

Role and closing date	Location	Description	Contact
Natural Resource Management (NRM) team	South West Land and Sea Council (SWALSC) Cannington.	There are two NRM officers for the Yued Heritage Sites Environmental and Cultural Audit Project and Mogumber Caring for Country Project and a full time environmental scientist.	Eleanor.Chaos@noongar.org.au for more information.
Case manager 07 December 2006	SA Registry	APS Level 6 \$57,556 - \$66,115	Sharon Middlin 08 8306 1244
Trainee Spacial Technician 14 December 2006	Geospatial Services - Brisbane	APS Level 1 \$9,976 - \$26,602 (dependant on age)	Jeff Harris 07 3226 8270
Current Anthropology Editor 31 Mar 2007	The Wenner-Gren Foundation	The new editor will take responsibility for the journal on January 1, 2008. The Editor's term is six years with a possibility of renewal for another three years. Applications are welcome from professional academic anthropologists anywhere in the world and specializing in any of the four anthropological sub-disciplines. Applications should include a complete curriculum vitae, names and contact details of three academic references and a letter of interest.	Leslie C. Aiello, President of the Wenner-Gren Foundation, laiello@wennergren.org , Wenner-Gren Foundation for Anthropological Research, 470 Park Avenue South, 8th Floor, New York, NY 10016, USA.

[Back to contents](#)

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.
12/12/2006	Puutu Kunti Kurrama and Pinikura 2	CLAIMANT APPLICATION	1/06/2005	WESTERN AUSTRALIA	WC05/4	WAD126/05
27/12/2006	Yuibera People	CLAIMANT APPLICATION	8/07/1998	QUEENSLAND	QC98/37	QUD6223/98
27/12/2006	Yuibera People	COMPENSATION APPLICATION	8/07/1998	QUEENSLAND	QPA98/1	QUD6228/98
27/12/2006	Barada Barna Kabalbara & Yetimarla People #3	CLAIMANT APPLICATION	21/03/2001	QUEENSLAND	QC01/13	QUD6011/01
10/01/2007	Tennant Creek No.2	CLAIMANT APPLICATION	7/07/2006	NORTHERN TERRITORY	DC06/3	NTD8/06
10/01/2007	Gosford City Council	NON-CLAIMANT APPLICATION	4/08/2006	NEW SOUTH WALES	NN06/10	NSD1482/06
7/02/2007	NSW Minister for Lands #9	NON-CLAIMANT APPLICATION	6/09/2006	NEW SOUTH WALES	NN06/12	NSD1708/06
7/02/2007	Eraring Energy ABN 31 357 688 069	NON-CLAIMANT APPLICATION	4/09/2006	NEW SOUTH WALES	NN06/11	NSD1685/06
7/02/2007	Bond Springs	CLAIMANT APPLICATION	28/04/2006	NORTHERN TERRITORY	DC06/2	NTD4/06
21/02/2007	Deniliquin Local Aboriginal Land Council	NON-CLAIMANT APPLICATION	29/09/2006	NEW SOUTH WALES	NN06/13	NSD1931/06
19/03/2007	South West Booijarah #2	CLAIMANT APPLICATION	5/09/2006	WESTERN AUSTRALIA	WC06/4	WAD253/06

(This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/cgi-bin/search/search.pl?col=ntapplications&browse=notifications_current&sorttype=notification_closing_date](http://www.nntt.gov.au/cgi-bin/search/search.pl?col=ntapplications&browse=notifications_current&sorttype=notification_closing_date) accessed 07/12/06)

[Back to contents](#)

Determinations

Native title determinations by determination date

SHORT NAME	CASE NAME	DATE	STATE/ERR.	OUTCOME	LEGAL PROCESS
Miriuwung	Ben Ward, Kim	24/11/2006	WA	NATIVE TITLE	CONSENT
Gajerrong #4	Aldus, Frank Chulung, Sheba Dignari & Ors v State of Western Australia & Ors			EXISTS IN PARTS OF THE DETERMINATION AREA	DETERMINATION
Mandingalbay	Mundraby v State	20/11/2006	QLD	NATIVE TITLE	CONSENT
Yidinji People	of Queensland [2006] FCA 436			EXISTS IN THE ENTIRE DETERMINATION AREA	DETERMINATION
Forster Local	Forster Local	07/11/2006	NSW	NATIVE TITLE	UNOPOSED
Aboriginal	Aboriginal Land			DOES NOT	DETERMINATION
Land Council	Council v New South Wales Native Title Services Limited [2006] FCA 1455			EXIST	

(This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/ntdetermination/bydate_index.html](http://www.nntt.gov.au/ntdetermination/bydate_index.html) accessed 07/12/06.)

[Back to contents](#)

Indigenous Land Use Agreements: Registered ILUAs by date

TRIBUNAL FILE NO.	NAME (NNTT HYPERLINK)	TYPE	STATE/TERR.	REGISTRATION DATE	SUBJECT MATTER
QI2006/023	Mandingalbay Yidinji/State of Queensland	AREA AGREEMENT	QUEENSLAND	20/11/2006	ACCESS CO- MANAGEMENT

QI2006/028	Enertrade - BBKY #4 CQGP Agreement	AREA AGREEMENT	QUEENSLAND	16/11/2006	PIPELINE
VI2004/006	Wedderburn Mining	AREA AGREEMENT	VICTORIA	08/11/2006	MINING
VI2005/009	Victorian Mining Licence 5433	AREA AGREEMENT	VICTORIA	08/11/2006	MINING
VI2005/014	Victorian Mining Licences 5414 & 5415	AREA AGREEMENT	VICTORIA	08 /11/2006	MINING
QI2006/033	Enertrade - Jetimarala CQGP Agreement	AREA AGREEMENT	QUEENSLAND	31/10/2006	PIPELINE
QI2006/029	Enertrade - SBK CQGP Agreement	AREA AGREEMENT	QUEENSLAND	31 /10/2006	PIPELINE
QI2003/027	Udnat Indigenous Land Use Agreement	AREA AGREEMENT	QUEENSLAND	26/10/2006	ACCESS

(This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/ilua/bydate_index.html](http://www.nntt.gov.au/ilua/bydate_index.html) accessed 07/12/06.)

[Back to contents](#)

Future Act Determinations

FUTURE ACT CONSENT DETERMINATIONS BY DETERMINATION DATE

DETERMINATION DATE	NNTT FILE NO. (NNTT HYPERLINK)	DECISION/ DETERMINATION	PARTIES
1/12/2006	WF06/80	FUTURE ACT CAN BE DONE	Aubrey Lynch & Others on behalf of the Wongatha People (WC99/1) (applicant/native title party) - and - The State of Western Australia (Government party) - and - Spinifex Gold Ltd (grantee party)
7/11/2006	WO05/710	EXPEDITED PROCEDURE DOES NOT APPLY	Pila Nguru Aboriginal Corporation (WC95/51) (native title party) - and - The State of Western Australia

1/11/2006	WF06/79	FUTURE ACT CAN BE DONE	(Government party) - and - Image Resources NL (grantee party) Billy Patch and Others on behalf of the Birriliburu People (WC98/68) (Birriliburu native title party/Co-Applicant) - and - Wilma Freddie and Others on behalf of the Wiluna People (WC99/24) (Wiluna native title party/Co-Applicant) - and - The State of Western Australia (Government party) - and - Empire Resources Ltd (Grantee party)
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(This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/cgi-bin/search/search.pl?determination_date=2006&col=determinations&sorttype=determination_date&disp=false&list=determination_date&consent=yes](http://www.nntt.gov.au/cgi-bin/search/search.pl?determination_date=2006&col=determinations&sorttype=determination_date&disp=false&list=determination_date&consent=yes) accessed 07/12/06.)

OTHER FUTURE ACT DETERMINATIONS BY DETERMINATION DATE

DETERMINATION DATE	NNTT FILE NO. (NNTT HYPERLINK)	DECISION/ DETERMINATION	PARTIES
30/11/2006	WO05/851	OBJECTION - DISMISSED	Paddy Neowarra & Others on behalf of the Wanjina Wunggurr Wilinggin Native Title Claimants (native title party) -and- The State of Western Australia (Government party) -and- Baracus Pty Ltd (grantee party)
24/11/2006	WF06/21	FUTURE ACT - NIGF SATISFIED - TRIBUNAL HAS JURISDICTION	Raymond Dann Barry Dodd Wayne Warner Ron Ronan Rod Little Clarrie Cameron Rob Ronan Betty Forsyth Donna Ronan and Colin Whitby on behalf of the Amangu People (Native Title Party) - and - State of Western Australia (Government Party) - and - Empire Oil Company (WA) Limited(Grantee Party)
17/11/2006	QO06/53	OBJECTION - DISMISSED	Bradley Foster and Ors (Waanyi People)(native title party) - and - The State of Queensland (government

			party) - and - Summit Resources (Aust) Pty Ltd (grantee party)
17/11/2006	QO06/52	OBJECTION - DISMISSED	Bradley Foster and Ors (Waanyi People)(native title party) - and - The State of Queensland (government party) - and - Summit Resources (Aust) Pty Ltd (grantee party)
8/11/2006	WO06/9	OBJECTION - DISMISSED	Banjo Wurrunmurra & Others on behalf of the Bunuba Native Title Claimants (WC99/19) (native title party) - and - The State of Western Australia (Government party) - and - Australian Diamond Resources Pty Ltd (grantee party)
7/11/2006	WO06/145	OBJECTION - EXPEDITED PROCEDURE APPLIES	Wobby Parker and Others on behalf of the Martu Idja Banyjima People (WC98/62) (Native Title Party) - and - The State of Western Australia (Government party) - and - Pilbara Iron Ore Pty Ltd (Grantee Party)
7/11/2006	WO03/881 WO05/456 WO06/9 WO06/104 WO06/191 WO06/284	OBJECTION - DISMISSED	WO06/9 Banjo Wurrunmurra & Others on behalf of the Bunuba Native Title Claimants (WC99/19) (native title party) -and- The State of Western Australia (Government party) -and- Australian Diamond Resources Pty Ltd (grantee party) WO03/881 Albert Little and Others on behalf of Badimia (WC96/98) (native title party) -and- The State of Western Australia (Government party) -and- Ralph Alexander McNab (grantee party) WO06/191 Cyril Hayes & Others on behalf of Budina (WC04/5) (native title party) -and- The State of Western Australia (Government party) -and- Redgrove Investments Pty Ltd (grantee party) WO06/104 Judy Hughes & Others on behalf of the

Thalanyji People (WC99/45) (native title party)
-and-
The State of Western Australia (Government party)
-and- Jackson Gold Ltd (grantee party)

WO06/284
Warren Stanley Ryan & Others on behalf of the Thudgari People (WC97/95) (native title party)
-and-
The State of Western Australia (Government party)
-and-
Jackson Gold Ltd (grantee party)

WO05/456
Karajarri Traditional Lands Association (Aboriginal Corporation) on behalf of the Karajarri Native Title Claimants (WC00/2) (native title party)
-and-
The State of Western Australia (Government party)
-and-
Todd Fysen Morris (grantee party)

(This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/cgi-bin/search/search.pl?determination_date=2006&col=determinations&sorttype=determination_date&disp=false&list=determination_date&consent=no](http://www.nntt.gov.au/cgi-bin/search/search.pl?determination_date=2006&col=determinations&sorttype=determination_date&disp=false&list=determination_date&consent=no) accessed 07/12/06.)

[Back to contents](#)

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