

What's New November 2009

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

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Cases

James v State of Western Australia [\[2009\] FCA 1262](#)

The case concerns a part of the original native title application lodged on behalf of the Martu People of the Western Desert area of Western Australia. Although a determination was made over part of the original application area (*James on behalf of the Martu People v State of Western Australia* [\[2002\] FCA 1208](#)) there is still part of the area not covered by the determination. The issue of the outstanding area, and whether the leases over that area extinguish native title rights and interests was referred to the Federal Court by the National Native Title Tribunal. The referral was authorised by s 136D Native Title Act 1993 (Cth) and Order 78, Division 3 of the Federal Court Rules (FCR). Justice McKerracher ordered that the referral be reserved to the Full Court.

Thudgari People v State of Western Australia [\[2009\] FCA 1334](#)

The Thudgari People were granted an order for a consent determination determining native title rights and interests in their land and waters. The determination covers approximately 11,280 square kilometres and is located at the northern edge of the Gascoyne region of Western Australia, lying between the Ashburton and Gascoyne Rivers.

Dodd on behalf of the Wullli Wullli People v State of Queensland (No 2) [\[2009\] FCA 1180](#)

This case concerned an application to amend a claim group description. There were two key issues. Firstly, there were questions about the process by which members of the applicant group were elected. Secondly, there was discussion about whether the amendments had to be voted on separately by the claim group as constituted and also by the claim group as it was to be constituted. The judge considered the issues and made an order in accordance with the amended notice of motion.

Native Title Determinations

The Native Title Research Unit maintains a [Determinations Summary](#) which provides hyperlinks to determination information on the Austlii, NNTT and ATNS websites.

Indigenous Land Use Agreements

The Native Title Research Unit maintains an [ILUA summary](#) which provides summary statistics and hyperlinks to information on the NNTT and ATNS websites.

Native Title in the News

The Native Title Research Unit publishes [NTRU Native title in the News](#) which contains summaries of newspaper articles and media releases relevant to native title. The story headings are as they appear in the press.

Native Title Publications

Department of Finance and Deregulation, '[Evaluation of the Capacity Development Program of the Office of the Registrar of Indigenous Corporations](#)', Office of Evaluation and Audit (Indigenous Programs), Department of Finance and Deregulation, 2009.

National Native Title Tribunal, '[Guide to future act decisions made under the right to negotiate scheme](#)', National Native Title Tribunal, 2009.

Training and Professional Development Opportunities

See the [Aurora Project: Program Calendar](#) for information about [Learning and Development Opportunities](#) for staff of native title representative bodies and native title service providers.