

Native Title Newsletter

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WHAT'S NEW WITH THE NTRU!

The North Queensland Land Council to co-host the **Native Title Conference 2007**, 6-8 June 2007, Cairns Convention Centre.

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.

For details contact: 02 6246 1161 or ntru@aiatsis.gov.au.

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.

The Native Title Amendment Bill 2006

Ally Foat, Intern from the Aurora Project, AIATSIS

On 7 September 2005 the Attorney-General announced a suite of reviews and native title reforms.¹ The findings from this review program formed the basis of a series of discussion papers released by the Federal government with proposed technical amendments to *The Native Title Act 1993*. Following feedback from these papers the Government tabled the *Native Title Amendment Bill 2006* in Parliament on the 7 December 2006. The Bill is currently before the Senate Standing Committee on Legal and Constitutional Affairs, which will report to Parliament on 23 February 2006.

The schedules of the Bill reflect the different limbs of the native title system under review. Schedule 1 refers to accountability and reporting provisions for NTRBs. The theme of Schedule 1 is expanding Ministerial discretion and simplification of some reporting obligations of representative bodies. It also provides different recognition approval procedures for NTRBs and Native Title Service Providers (NTSPs) including broadening the definition of NTRBs to include bodies incorporated under the *Corporations Act 2001*. Ministerial discretion over the performance and accountability of NTRBs is substantially changed in the Bill. The new 'satisfactory' benchmark for Ministerial recognition, previously two criteria, is condensed into one and an extra financial test is added.

The two limbed test for recognition now reads:

- That a representative body is not satisfactorily performing its functions (an existing ground), or
- That there are serious or repeated irregularities in the body's financial affairs (a new ground) (Subsection 203AH(2)).


The proposed changes would also place reporting and performance related conditions on the renewals of NTRB recognition, including information relating to the

expenditure of their funding (ss203BD(a)). The effect of this amendment removes the obligation for NTRBs to publish financial information in Annual Reports tabled in Parliament, but instead attaches conditions to funding agreements. Further amendments proposed in Schedule 1 allow the Minister to alter NTRB designated areas. Under proposed subsection 203AE(1) (repealing section 203AE) the Minister is able to a) extend representative body areas if satisfied the NTRB would satisfactorily perform its functions in the new areas, b) remove recognition (section 203AD(1) as listed above) and c) review applications to vary recognised areas under section 203AD(1A). The notice period for any such changes is reduced from 90 days to 60 days (subsection 203AG(3) amended).

The cumulative effect of the NTRB amendments is a greater emphasis on financial management and Ministerial discretion where reviews do occur, or where government performance expectations exceed delivery. There also appears to be less emphasis on making the recognition of an NTRB contingent on building relationships with traditional owners. Instead, the focus is on financial reporting and the structural issues of representative Bodies.

There are other amendments related to the progress of native title claims. Schedule 2 of the Bill is reflective of the Federal government's acceptance of most of the recommendations made by the Hiley-Levy review of the claims resolution processes. The effect of the amendments would prevent a single matter being mediated by the NNTT and the Court simultaneously, even in regard to different questions. The NNTT would be granted powers of inquiry, reporting and rights of appearance at the Federal Court level to assist the Court to make determinations with respect to discreet issues. Mindful of 'streamlining' the claims procedures by taking out duplicating or complicating factors, the Bill also provides the Court with powers to dismiss an application relating to a future act in some cases, and details conditions where the NNTT can refer a matter to the Court for dismissal. There is also a focus on using dispute-resolution options wherever possible, and for parties to act in good faith around the negotiating table (s136GA). This includes new powers of compulsion for the NNTT to direct a party to mediation or produce documents or reports from the mediation to improve the effectiveness of outcomes.

¹ The reviews would focus on the accountability of Native Title Representative Bodies (NTRBs), the claims resolution process in the National Native Title Tribunal (NNTT) and the Federal Court, the functioning of Prescribed Bodies Corporate (PBCs) and Federal government assistance to respondents to native title claims. The reviews were the last substantial overhaul of the operation of the native title framework since the 1998 amendments and the Government conducted a combination of broad departmental consultations and independent reviews.



The amendments also affect the operation of PBCs. The regime developed for PBCs is still very complex and is often vague in terms of which parties PBCs need to consult about agreements and decisions affecting native title or the nature of assistance available from other agencies, including State and Territory Government Departments and NTRBs. Amending section 58(e) narrows the circumstances where PBCs must consult common law holders on matters affecting native title to those where the decision is to surrender native title rights and interest in land or waters. Amendments to section 59 implement Recommendation 7 of the recent Attorney General's PBC report which recommends that an existing PBC can be regarded as a PBC for subsequent determinations for adjoining native title areas with the agreement of both claimant groups. It is thought this would encourage economies of scale for PBCs in instances such as the Miriuwung Gajerrong claim. There are also amendments of the technical definitions affecting PBCs. Schedule 3 redefines an 'agent prescribed body corporate' under section 253, to a new definition inserted by Schedule 1 of the *Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other measures Act 2006* (CATSI Consequential Act) commencing on 1 July 2007. This corrects an unintended omission of Recognised Native Title Bodies Corporate as PBCs.

Other amendments affect non-claimant parties. Schedule 4 affects the Attorney-General's powers to grant financial assistance to non-claimant parties (respondents) in proceedings (including mediation) related to native title and the negotiation of Indigenous Land Use Agreements. The brief amendments (becoming section 183(2A)) allows the Attorney-General to receive applications for the provision of assistance in relation to the development of a standard form agreement or review of an existing standard form agreement in order to facilitate negotiation. The Attorney-General's Department have produced draft guidelines for applicants seeking such assistance including eligibility criteria, selection criteria, the types of assistance available, conditions placed on assistance approved and a right of review by the applicant if their application is refused, varied, terminated or made subject to additional special conditions. The Guidelines are still in draft form but are likely to narrow the grounds for respondent funding in order to ensure that non-claimant groups do not benefit financially from the scheme. Amendments in this Schedule will also limit the number of possible parties to a claim. In particular, the amendments prescribe how people affected by a possible determination can seek leave of the Court to become

a party to a matter. Section 84(e)(a)(iii) requires such parties to have an *interest in relation to land or waters* which is narrower than a mere interest in a claim.

These changes have significant implications. The Attorney-General outlined the scope of the review process as being 'technical' in nature and with no intention of reassessing the balance of rights. Many of the amendments correct unintentional errors or enshrine conventional practice in statutory form (in particular, many of the mediation provisions). However these amendments will also alter the claims management practices for NTRBs. It is still unclear as to whether the proposed changes will make NTRBs more efficient or whether they will impose unnecessary burdens on them. Much will depend on how the discretion is exercised by the Minister and whether the old criteria for 'satisfactory performance' will still implicitly be applied.

[Native Title Amendment Bill 2006](#)

The full text of the *Native Title Amendment Bill 2006* is now available online. For full details see the [explanatory memorandum](#) and [second reading](#).

Attorney General's Department

[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 discussion paper](#).

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>

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WHAT'S NEW

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. 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). 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.

Anderson (behalf of Numbahjng 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 Miriwung, 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.

Ulladulla Local Aboriginal Land Council v New South Wales Native Title Services Limited [\(unreported, FCA, 13 December 2006, Jacobson J\)](#)



International

Botswana High Court ruling in favour of the Kalahari Bushmen

A summary of the case is [available online](#).

An online press file about the court case, including summaries, biographies, legal precedents, photos and video clips, is available at <http://www.survival-international.org/bushmenpresspack>

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

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

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Publications

Books

O'Faircheallaigh, Ciaran. *Environmental agreements in Canada: Aboriginal participation, EIA follow-up and environmental management of major projects* (2006).

Hicks, Stuart *The delivery of natural resources management in Western Australia : a review* Western Australia. Natural Resource Management Office (2006).

Scholtz, Christa Sieglinde, *Negotiating claims: the emergence of indigenous land claim negotiation policies in Australia, Canada, New Zealand, and the United States* (2006).

Journal articles

Ulla Secher 'The doctrine of tenure in Australia post-Mabo: replacing the 'feudal fiction' with the 'mere radical title fiction' (2006) 13 *Australian Property Law Journal* 107.

Behrendt, Larissa 'Native title: beyond the backyards and beaches' *New Matilda* (5 October 2006).

O'Faircheallaigh, Ciaran 'Aborigines, mining companies and the state in contemporary Australia: a new political economy or 'business as usual'?' (2006) 41 *Australian Journal of Political Science* 1.

Sculthorpe Gaye 'Recognising difference: contested issues in native title and cultural heritage' (2005) 15 *Anthropological Forum* 171.

McHugh PG, 'New dawn to cold light: courts and common law Aboriginal rights' (2005) 4 *New Zealand Law Review* 485.

Collings, Neva 'The rights of Indigenous peoples to water: international environmental and human rights standards' (2006) 6 *Journal of Indigenous Policy* 60.


Bell, Charlotte A, 'A corner turned: Supreme Court of Canada decisions of the year past' (2006) 34 *The Supreme Court law review. Second series* 433.

Mahmud Jamal 'Treaty interpretation after R v Marshall; R v Bernard' (2006) 34 *The Supreme Court law review. Second series* 443.

Corbett, Tony 'The National Native Title Tribunal's facade of indigenous advocacy' (2006) 25 *Social Alternatives* 2.

Sullivan, Patrick 'Introduction: Culture Without Cultures: The Culture Effect' (2006) 17 *The Australian Journal of Anthropology* (Special Issue 18. Delimiting Indigenous Cultures: Conceptual and Spatial Boundaries).

Correy, Simon 'The reconstitution of Aboriginal sociality through the identification of traditional owners in New South Wales (2006) 17 *Australian Journal of Anthropology* 3.



Smith, Benjamin Richard "More than Love': Locality and Affects of Indigeneity in Northern Queensland' (2006) 7 *The Asia Pacific Journal of Anthropology*.

Jowett, Tina 'Native Title over Perth' (2006) 7 *Native Title News* 196.

Norris, Joanne 'The Perth Metro Native Title Decision – What happens now?' (2006) 7 *Native Title News* 200.

de Soyza, Anne 'The implications of Bennell v Western Australia for the High Court decision in Yorta Yorta v Victoria' (2006) 7 *Native Title News* 202.

Treasure, Wendy, 'What happened to the long-standing principle that the Crown sets an example to others by behaving as a model litigant' (2006) 7 *Native Title News* 205.

McIntyre, Greg 'Noongar native title case' (2006) 33 *Brief / Law Society of Western Australia* 10.

Porter, Libby 'Rights or containment? the politics of Aboriginal cultural heritage in Victoria' (2006) 37 *Australian Geographer* 355.

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

Discussion Papers

National Alternative Dispute Resolution Advisory Council [NADRAC Legislating for alternative dispute resolution: A guide for government policy-makers and legal drafters](#) (2006).

Cleary, John [Indigenous governance at the crossroads: The way forward](#) Centre for Indigenous Studies (2006).

Sanders, W, [285/2006 Local governments and Indigenous interests in Australia's Northern Territory](#) CAEPR (2006)

Sanders, W, [280/2006 Being a good senior manager in Indigenous community governance: Working with public purpose and private benefit](#) CAEPR (2006).

Hunt J & Smith DE [WP 31 Building Indigenous community governance in Australia: Preliminary research](#) CAEPR (2006).

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)

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. 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.

National Native Title Tribunal [Annual Report 2005–2006](#)

Bird Caroline & Hallam Sylvia J ["Archaeology and rock art in the Dampier Archipelago"](#) National Trust of Australia (2006).

Case notes

'The long and winding road: case comment on Mikisew Cree First Nation v Canada (Minister of Canadian Heritage)' (2006) 34 *The Supreme Court law review* 465.

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

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Online Publications

CAEPR


Craig Linkhorn [Maori Land and Development Finance](#) (2006).

National Native Title Tribunal

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](#)

National Native Title Tribunal (Australia) Research Unit

[Guide to Australian Government funding sources](#)

Government Publications

Government of Western Australia .[Bilateral agreement on indigenous affairs between the Commonwealth of Australia and the State of Western Australia](#) (2006).

This Agreement provides a framework and establishes priorities for the Governments to work together to streamline service delivery to Indigenous Australians in Western Australia.

ORAC Transition Constitution [available online](#)

This is an example model constitution for corporations under the *Aboriginal Councils and Associations Act 1976* (the ACA Act). By using this constitution groups will also be largely consistent with the rules under the new *Corporations (Aboriginal and Torres Strait Islander) Act 2006* which will begin on 1 July 2007.

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Upcoming Events

[In the Pipeline: new Directions in Cultural Research on Water Symposium](#)

When: 19- 20 July 2007

(abstracts due 28 February 2007)

Where: University of Western Sydney, Parramatta Campus.

Abstracts and inquiries welcomed. Please send via email to Dr Zoë Sofoulis, z.sofoulis@uws.edu.au and cc: to conference assistant, Justine Humphry, Justine@scholar.uws.edu.au.

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Recent Events

[World Archaeological Congress symposium on Cultural Heritage & Indigenous Cultural & Intellectual Property Rights](#)

When: 3-5 December 2006

Where: South Australia Burra

The sessions were:

- 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
- 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

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

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Opportunities

[The University of Western Australia Native Title Courses](#)

Anthropology at UWA offers two online courses.

Both the Graduate Certificate and Graduate Diploma in Applied Anthropology (Native Title & Cultural Heritage) are taught online and have attracted students from across Australia.

The courses focus on professional research issues relating to native title and Aboriginal cultural heritage. The aim is to equip graduates with theoretical, analytical and practical skills in applied native title and cultural heritage anthropology.

To enrol, you need to already have a degree in any Humanities or Social Science discipline, although people with degrees in other areas can apply for consideration.

Applications should be lodged by the 9th February 2007. Early applications are encouraged.

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NATIVE TITLE IN THE NEWS

NATIONAL

8-Nov-06 **Legal activism undermines our rights**

Alan Moran, Director of the Institute of Public Affairs says that 'the adverse effects of "legal activism: are seen in Australian legal decisions on native title. The first of these, Mabo, was delivered by the High Court in 1992.' Moran said: 'in its legal adventurism, the Mabo High Court sought to prevent people from becoming concerned about the family home' while Wik 'sought to slice off another chunk of long-defined property rights.' According to him 'a further twist was introduced by a decision regarding native title to Perth by another militant judge, Murray Wilcox'. He said that the 'truth is that legal activists have tried to change property law in order to offer increased funding to Aborigines...these decisions divert Aboriginal people from participating in mainstream Australian economic activity. Many with Aboriginal ancestry see greater gain from pursuing title over other people's assets.' *Courier Mail*, 8-Nov-06, pg 25.

23-Nov-06 **Australia can learn from NZ land policy**

A new Centre for Aboriginal Economic Policy Research Discussion Paper *Maori Land and Development Finance* outlines a policy debate in New Zealand about how to 'balance development of Indigenous owner land against the need to protect distinctive cultural elements that are critical to the Maori landowners relationships with each other and with their land holdings'. This report coincides with the 'recent amendments to the Aboriginal Land Rights (Northern Territory) Act in August 2006 [which] seek to advance development opportunities, arguably at the expense of the land owners' autonomy and priorities'. *Canberra Times*, 23-Nov-06, pg 21.

6-Dec-06 **Wik ruling led a new era** National Native Title Tribunal President Graeme Neate has said that the Wik ruling 'was a turning point for Indigenous communities because it meant that claimant groups could have a seat at the negotiating table with pastoralists, and others who use pastoral lease land'. According to him 'much has changed in the past decade. Many pastoralists involved in native title claims have come to realise that agreement making is the best way forward, and that constructive relationships with native title claimant groups can be developed along the way.' *Koori Mail*, 6-Dec-06, pg 22.

13-Dec-06 **Native Title Tribunal appointments**

Attorney-General Philip Ruddock today announced the re-appointment of Mr Graeme Neate as President of the National Native Title Tribunal, the

appointment of Mr John Sosso as a Deputy President and the re-appointment of Mr Graham Fletcher and Mr Alistair (Bardy) McFarlane as members of the Tribunal. Mr Sosso has been a full time member of the Tribunal since February 2000. He is a former consultant in public administration, native title and infrastructure and a former Deputy-General of the Queensland Premier's Department, during which time he was involved in several successful native title settlements and in establishing the Queensland Native Title Legal Unit. Along with experience in mediation and arbitration of land claims in several jurisdictions as a member of the Tribunal, Mr Sosso has also been involved in the negotiation of several significant mining and infrastructure ILUAs. Mr Fletcher has been a full time member of the Tribunal in Cairns since March 2000. *National Native Title Tribunal Media Release*, 13-Dec-06.


15-Dec-06 **Ministers meet on native title**

The Attorney General Philip Ruddock and other native title ministers 'have met in Canberra...to discuss ways of improving the way in which the native title system works'. Mr Ruddock said 'the success of the native title system depends on cooperation, coordination and communication between all governments in Australia'. He said that 'State and Territory governments need to actively engage with all other stakeholders and seek opportunities to share information in order to resolve claims more efficiently'. *Media Release*, 15-Dec-06, pg 1.

NEW SOUTH WALES

2-Nov-06 **Sad day for land rights in the dead of night**

The review of the NSW Land Rights legislation has found that it did not provide a 'democratic and representative structure for Aboriginal people in NSW'. The review was announced in May 26 2004 and since then the former Aboriginal Affairs Minister and Deputy Premier Andrew Refshauge has 'sacked the 13-duly elected members of the then state council of the peak Aboriginal organisation, the New South Wales Aboriginal Land Council' and appointed a taskforce to conduct the review. He was later replaced by Milton Orkopoulos and 'by this time the review was well underway with a massive consultation exercise...and to a lesser extent the government with the network of 120 NSW local Aboriginal land councils, the commissioning of numerous independent studies and the release of two issues papers.' 'After months and months of inaction and increasingly hollow promises of further government consultation. Orkopoulos walked into the NSW Parliament in the dead of night - at 11:05 pm on October 23 - and introduced a 90 plus page bill with



a short second reading speech'. Liberal shadow Minister for Aboriginal affairs Brad Hazzard said 'that is the Minister's problem and his government's problem: a lack of transparency, decency and integrity and a lack of preparedness to allow the community to properly consider legislation that may have major ramifications for the Aboriginal community'. *National Indigenous Times*, 2-Nov-06, pg 3; 'New era for NSW land councils' *Quirindi Advocate* 8-Nov-06, pg 22; 'Underneath the radar: the inside story of a major land rights victory' *National Indigenous Times*, 30-Nov-06, pg 5.

2-Nov-06 Talks begin on native title in central QLD Talks have 'begun between 16 Queensland councils and three Indigenous groups on a native title deal covering an area of the state two thirds the size of Tasmania'. The beginning of the negotiations was marked by a ceremony in Bundaberg. Bundaberg Mayor Kay McDuff said that mediation was the best way to handle such claims. 'we think an agreement can be reached which enables the peaceful coexistence of all interests in land, including native title rights, local government interests and the rights and interests of the general public.' *National Indigenous Times*, 2-Nov-06, pg 9.

8-Nov-06 Hill 60 to become public space The Federal Department of Defence has offered to the local council the land at Hill 60, Port Kembla which is 'a site of significance for the Indigenous community of the Illawarra which was resumed by the Department of Defence for wartime operations in 1941'. Wollongong Lord Mayor Alex Darling said 'it is pleasing to see the department recognise this land is important to all local residents, but most particularly our Indigenous people, and follow through by making this offer to council.' *Wollongong Advertiser*, 8-Nov-06, pg 11.

16-Nov-06 Nyungar group looks at farms Plans 'by local Aborigines to enter a joint venture partnership to develop an upmarket housing estate on a 20 hectare site' near the Fingal town have been approached with caution by the Fingal Resident's Association. Under the plan 'some of the profits from the development which could be worth up to \$80 million will be diverted to the land council to help the Indigenous community become more self-sufficient and to improve other freehold land on the Fingal Peninsula granted under native title laws'. *Border Tweed Mail*, 16-Nov-06, pg 10.

19-Nov-06 Court action remains The NSW Supreme Court has 'refused an application from the New South Wales State Government to strike out a compensation [claim]' by Dorothy Lawson. The 'action followed a Federal Court ruling that in the case of Lake Victoria, west of Wentworth, Native


Title rights had been extinguished...when the state of NSW sold the land to the state of South Australia'. She 'argues that...the state of NSW has had not carried out the requirements of the Aboriginal Protection Act 1909 which required the state to advise people at the time that their rights had been extinguished'. Justice MacCready 'agreed with Mrs Lawson's argument that to date the Federal Court had not yet addressed the question of the fiduciary obligation by the state to the Aboriginal people of the day'. The current Barkindji claim is yet to be registered. *Mildura Independent Sunday Star*, 19-Nov-06, pg 1. *Koori Mail*, 22-Nov-06, pg 30.

23-Nov-06 Land claim puts sale on hold Six parcels of land in Lightning Ridge for freehold transfer are now subject to a claim lodged by the NSW Aboriginal Land Council. A spokesperson for the Department of Lands said 'all disposal action on the claimed lands has ceased pending finalisation of the claims'. *Lightning Ridge News*, 23-Nov-06, pg 1.

30-Nov-06 Angels Beach development blocked for second time A housing development at Ballina's North Angels Beach has been blocked for a second time. The NSW Land and Environment Court has ruled 'the development consent granted for the project was void and that no work should proceed'. Local Aboriginal Elders had 'opposed the development on behalf of the Numbahjng claim within the Bundjalung nation, on the grounds that the site was of high significance to Aboriginal people'. *Ballina Shire Advocate*, 30-Nov-06, pg 4.

30-Nov-06 Keane welcomes land rights support The 'father of Land Rights' Maurice Keane 'welcomes the bipartisan support of the parliament for an improved version of NSW's most important piece of Indigenous legislation'. He said that the new legislation 'paved the way for the return of elected leadership' and that 'it is essential that the Aboriginal people maintain control of the peak body which is a multi-million dollar enterprise'. *National Indigenous Times*, 30-Nov-06, pg 7.

1-Dec-06 Recently opening mine to inject millions into NSW economy Construction of the 'Cowel Gold Mine has injected \$440 million into the economy of New South Wales' south-west according to Barrick Gold Corporation President and Chief Executive Officer Greg Wilkins'. Barrick has also negotiated a Native Title Agreement with the Wiradjuri Condobolin people and 'benefits for Indigenous people for the life of the project include more jobs for the Wiradjuri people at Cowal, facilitated by the establishment of an Education, Training and Business Development Committee, with equal representation from the Wiradjuri and Barrick; and the funding of tertiary scholarships, apprenticeships and preemployment training'. *Mining Chronicle*. Dec-06, pg 43.



5-Dec-06 **Protesters relying on Native Title Claim** Five people charged with entering onto the property of the Cowal Gold Project are arguing 'they had lawful excuse and believe the native title claim on the land to be heard in the Federal Court will help prove it'. With the agreement of both parties the defendants were restricted from 'going within one kilometre of the Barrick Boundary'. *West Wyalong Advocate*, 5-Dec-06, pg 5.

8-Dec-06 **Land Council pushing for home ownership in Wilcannia** David Clarke head of the Wilcannia Local Aboriginal Land Council says 'the best way forward for the Darling River town is home ownership.' According to him 'transferring the title from the Land Council to the individual would serve the purpose of restoring people's pride and dignity as well as changing the flawed rental system'. He proposed the 'transfer of tenants to home owners' which 'will create an immediate cash flow for the Land Council. This should enable them to borrow future money to build more houses and continue to provide housing for population that is increasing in numbers'. *Barrier Miner*, 8-Dec-06, pg 5.

14-Dec-06 **Claim case adjourned** The Mooka and Kalara United families claim over the Lake Cowal gold mine site has been adjourned by Justice Madgwick for further directions. *Daily Advertiser*, 14-Dec-06, pg 10.

14-Dec-06 **Project wins grant funding** The Tibooburra Local Aboriginal Land Council has 'been given \$20 000 to spend on environmental and Aboriginal cultural heritage protection'. The funds 'will be used to connect water from the town supply to the Tibooburra Aboriginal Reserve, allowing native title vegetation to grow'. Member for Murray Darling Peter Black said 'the grants help local communities find solutions to local environmental problems'. *Barrier Daily Truth*, 14-Dec-06, pg 4.


NORTHERN TERRITORY

2-Nov-06 **NT land permit appeal rejected** The Northern Territory Government has 'refused to amend existing' laws which means that 'journalists covering court proceeding on Aboriginal land will have to continue to apply for permits'. A group of journalists had previously written to the NT government claiming that the permit system 'violated the principle that court be open to the public, with some hearings held in remote Indigenous communities where the media and public can be prevented from attending'. NT Attorney General Syd Stirling said that the government 'did not agree that

legislative amendment was necessary'. He said: 'the NT's four Aboriginal land councils, which were responsible for processing permit requests, had assured the government any interests parties wanting to attend the court sitting on traditional land would be given permission'. *National Indigenous Times*, 2-Nov-06, pg 9.

11-Nov-06 **Renewed push for Territory Statehood** A Federal Government committee, at the suggestion of Federal Attorney General Philip Ruddock is 'visiting Alice Springs this week to gather information on recent moves towards a second stab at statehood'. In its submission to the committee the Central Australia Aboriginal Congress said 'Aboriginal people made up a large chunk of the Territory's population' and that the NT government has failed to 'discuss an "acceptable constitution" with Aboriginal groups...adding that there needed to be a recognition of Aboriginal law and the protection of land rights to secure local support'. Committee chairman Peter Slipper said 'the question of statehood is a complex matter for the people and government of the Territory and the committee is conscious that many of these issues need to be worked through by the Territorians'. Issues on the agenda include 'industrial relations and mineral and uranium resource issues...along with the future ownership and management of commonwealth national parks'. Northern Land Council chairman John Daly warned: 'aborigines - who make up 30 per cent of the Territory's population - would continue to reject statehood until there were good faith negotiations with the NT Government over land rights, education and housing outcomes in Indigenous communities'. He said 'Aboriginal people are hostile to the idea of the transfer of power including the power to compulsorily acquire Aboriginal land'. *Adelaide Advertiser*, 11-Nov-06, pg 2; 'NT statehood is back: Ruddock returns contentious issue to national spotlight', *Sunday Territorian*, 12-Nov-06, pg 4; 'Indigenous support a must to move to statehood', *Northern Territory News*, 15-Nov-06, pg 7; 'History 'could repeat itself' on Territory statehood vote', 22-Nov-06, pg 10; 'Our statehood winds blowing' *Northern Territory News*, 18-Nov-06, pg 20.

14-Nov-06 **Aborigines appeal** The Larrakia people are appealing 'against the native title ruling that denied them native title over large parts of Darwin'. The Federal Court had dismissed the claim in April 'by nine Larrakia families over 575sq km of crown land in Darwin and Palmerston' after finding that the 'Larrakia had not maintained a continuous observance of traditional laws and customs since sovereignty'. During the first day of the hearing NLC lawyer Stephen Gaegler SC said that the 'judgment had failed to deal with the concept of a "body of people united by a notion of custom"'. The Federal



Government 'has made a last minute attempt to defeat a native title claim over parts of Darwin in what has been labelled a radical attempt to wind back native title'. It is 'intervening in an appeal by the Larrakia people to overturn the rejection of their native title claim over parts of Darwin. It is not only trying to defeat the appeal but also arguing that the original judgment did not make a strict enough interpretation of native title law'. *Sydney Morning Herald*, 14-Nov-06, pg 2; 'Larrakia land claim appeal begins' *Northern Territory News*, 15-Nov-06, pg 4; 'Last minute bid to defeat title claim' *Age*, 22-Nov-06, pg 8.

14-Nov-06 **Park owners' efforts rewarded** Traditional owners of the West MacDonnell National Park have been 'congratulated after winning an award for conservation efforts in the area' from the World Wildlife Fund as one of 'our top 10 protected areas under the National Reserve System'. Central Land Council Director David Ross said that the 'traditional owners deserved their award which was presented to them and the NT government by the WWF'. Mr Ross also 'called on the Federal Indigenous Affairs Minister Mal Brough to follow through on the original agreement for the land and schedule the land for Aboriginal freehold title as quickly as possible'. *Northern Territory News*, 14-Nov-06, pg 7.

16-Nov-06 **We won't hand back contaminated land: Bishop** Under proposed legislation, Aboriginal elders may no longer have to be consulted before their land is turned into a radioactive waste dump. The legislation 'could clear the way for Aboriginal land to be nominated for use as a radioactive waste repository without the consent of traditional owners...it will also remove the right to a judicial review or procedural fairness'. The legislation 'comes amid speculation that the Northern Land Council is considering a radioactive waste dump at the Muckaty Cattle Station in the Northern Territory'. Labor Senator Trish Crossin said the bill "would absolve the Government from any responsibility to traditional owners of a site". The Northern Land Council 'supports the Bill saying provisions that stop a site selection being overturned - even if the rules about consulting traditional owners have not been followed - are not different from existing arrangements for certain mining leases'. It said that the legislation 'would simply stop green groups and other parties delaying developments'. However the Central Land Council says the legislation 'diminishes the rights of traditional owners is a gross abuse of process and must be rejected in its entirety'. Nationals senator for the NT Nigel Scullion said 'the legislation would not wind back the protections of the Land Rights Act'. Science Minister Julia Bishop said 'the Commonwealth Radioactive Waste Management Legislation Amendment Bill

would provide for the eventual return of any "volunteered" Aboriginal land' if it were acquired for a radioactive waste dump. She said: 'through this bill, the Australian government seeks to ensure, should a volunteer site be selected for the facility that there is a mechanism for the land to be returned to its original owners or successors when the site is no longer required'. *National Indigenous Times*, 16-Nov-06, pg 9; 'Bill set to cut traditional owners out of waste dump consultations' *Age*, 28-Nov-06, pg 2; 'NT nuke site plan blasted' *Northern Territory News*, 20-Nov-06, pg 2.


17-Nov-06 **Centre's resources are in big demand** Applications for mining exploration have 'more than doubled in a year' reflecting a 'high demand for Central Australia's natural resources'. Central Land Council Director David Ross said 'commodity prices have gone through the roof, its as simple as that'. The CLC 'processes permit applications when companies want to explore on Indigenous land'. *Centralian Advocate*, 17-Nov-06, pg 6.

22-Nov-06 **Permit plan** The 'time for public discussion about the Federal Government's plan to reform the Aboriginal land permit system has been extended to the end of February'. *Northern Territory News*, 22-Nov-06, pg 5; 'Permits deadline' *Centralian Advocate*, 28-Nov-06, pg 7.

22-Nov-06 **Grote agreement paves way for head lease** Federal Indigenous Affairs Minister Mal Brough has 'hailed as "historic" an agreement signed by the Aboriginal people of Groote Eylandt, the Australian Government and mining and exploration company GEMCO'. The agreement was 'aimed at boosting economic opportunities and allowing home ownership on Aboriginal land on the remote Northern Territory Island'. The parties 'are now expected to work towards a town head lease over the town of Angurugu.. part of the Government's Aboriginal land reform agenda'. *Koori Mail*, 22-Nov-06, pg 9.

28-Nov-06 **Communities slam permit change** All the Aboriginal communities 'consulted on plans to scrap the permit system have rejected the proposal'. Central Land Council Director David Ross said 'people are wondering why it's necessary to fix something that has not been a problem' and hopes the Government is taking that on board. *Northern Territory News*, 28-Nov-06, pg 5; 'NT permit scrap rejected' *National Indigenous Times*, 30-Nov-06, pg 12.

30-Nov-06 **Brough blocks land-lease plan** Aboriginal Affairs Minister Mal Brough has 'rejected a plan by the Northern Territory's biggest Aboriginal community [Wadeye] to lease its own land in a move that would have seen the traditional Indigenous owners retain ultimate control'. In a draft land



ownership proposal, 20 year leases were provided on community owner land, with an option to renew. However, 'details of the lease plan were at odds with the Government's changes to land tenure on Aboriginal-owned land'. Mr Brough said 'the commonwealth's preferred model was the most transparent, appropriate and economically viable'. Warren Snowdon, member for Lingiari and Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs said that Mal Brough wasn't 'interested in anything Aboriginal people come up with if it doesn't fit what he's already decided to best for them'. He said 'rejecting them hands down because their idea isn't consistent with the government's approach makes a mockery of the idea of partnership and that [the] community should be encouraged and supported in their initiative instead of being blackmailed'. Australian, 30-Nov-06, pg 2; 'Town leases: just do it...myyyyy way!' *Media release* 30-Nov-06, pg 23.

1-Dec-06 **Govt paves way for nuke dump** Plans to place a nuclear waste depository in Tennant Creek 'moved a step closer this week with the passing of an amendment to a Parliamentary Bill which blocks the rights of traditional owners to challenge any nomination of Aboriginal land for a dump site'. The amendments to the Commonwealth Waste Management Legislation have been opposed by Aboriginal elders, pastoralists, environmentalists and members of the Northern Territory Government. The amendments were made 'following confidential discussions between the Northern Land Council and the Department of Education, Science and Training'. The changes mean that 'traditional owners from Muckaty will have no say in whether or not the nuclear dump is constructed on their land, despite the fact many have been vociferous in their opposition to the plan'. Tennant & District Times, 1-Dec-06, pg 3; for editorial comment see 'Territory Government shifts into Disraeli gear over waste: Labor's nuclear nonsense' Sunday Territorian, 3-Dec-06, pg 20; 'N waste dump: the rush is on' *Territory News*, 15-Dec-06.

2-Dec-06 **Canberra accused in title case** The Federal Government has 'been accused of launching a back-door attempt to wind back native title law after its last minute intervention in a native title claim over Darwin'. Lawyers working with the Larrakia say that 'Canberra's intervention appears to be an attempt to overturn precedents set in earlier native title cases and make it much harder for Aborigines to prove native title'. They say that 'most of the arguments made by the federal Attorney General Philip Ruddock were not relevant to the Larrakia case. Instead they appeared to be an attempt to shift the legal goal posts ahead of other native title cases such as the Federal and West Australian governments' appeal against the Noongar


people's successful native title claim over Perth'. *Age*, 1-Dec-06, pg 8.

4-Dec-06 **Rein in the land councils** A report written by John Cleary for the Centre for Independent Studies has suggested that 'Aboriginal land councils have a monopoly of power and the Commonwealth Government needs to rein them in if remote communities are to move forward'. The report claims that 'corruption and widespread dysfunction typify the running of Indigenous communities because there are no clear governance structures'. Mr Cleary said that 'land councils should be confined to their primary role as land managers because many of them had expanded their roles to cover issues such as housing'. *Northern Territory News*, 4-Dec-06, pg 6.

5-Dec-06 **Quick payback tipped for new mine operation** Thor Mining has completed a feasibility study of the Molyhil Tungsten Molybdenum Project near Alice Springs. Thor is 'currently in negotiations with the Central Land Council for the mining rights' and Thor chief executive officer John Young 'expects Indigenous workers will be a requirement of the mining agreement'. *Centralian Advocate*, 5-Dec-06, pg 14.

8-Dec-06 **Lhere Artepe backs temporary visits** Aboriginal Corporation Lhere Artepe 'says it supports setting up dongas at Dalgerty Road and Tyeweretye Club'. Betty Pearce a representative of the Lhere Artepe said that 'native title holders in Alice Springs want somewhere for visitors to stay'. She said 'we have to look at where we can have people go. We need infrastructure set up'. She also said that 'once the facilities were set up, Lhere Artepe would call on the Alice Springs community to help monitor their management'. *Centralian Advocate*, 8-Dec-06, pg 4.

14-Dec-06 **Its time...for informed permit debate** Professor Jon Altman, argues that the FaCSIA Discussion Paper 'Access to Aboriginal Land under the Northern Territory Land Rights Act - Time for Change?' provides no 'empirical examples of the economic restrictions that the permit system creates'. He also argues that the permit system 'operates over land that is generally owned by corporate groups who, as a group, have a right to be consulted and consent to commercial development on their land'. He notes that the 'permit system enhances the property rights of Indigenous people', noting that the livelihoods of remote communities are dependant on natural resources and rely on the permit system to manage these resources. He also adds that even though the permit system fails to protect artists from unscrupulous dealers this is based on the 'inadequate resources to police the permit system rather than a problem of the permit



system itself'. *National Indigenous Times*, 14-Dec-06, pg 17.

15-Dec-06 **LCA disputes Title land rights for schools tie in** The Law Council of Australia (LCA) has criticised Mal Brough's plan to make \$10 million 'available to the Tiwi Island community for school facilities only if they sign a lease over their township to the Commonwealth'. The LCA said that 'making the provision of school funding conditional on the signing of a lease leaves the Tiwi people with no reasonable choice in the matter' and 'such a lease may lock up land rights for a number of generations'. *Lawyers Weekly*, 15-Dec-06, pg 8.

16-Dec-06 **Aboriginals granted freehold title to formed NT reserve land plus the right to claim crown land** NO FURTHER TEXT PROVIDED
Northern Territory News, 16-Dec-06, pg 13.

QUEENSLAND

3-Nov-06 **No satisfaction for rocker** Geodynamics has said that it has not received a reply from the State Government about two lease applications. The company 'which is trying to tap energy from hot underground rocks, had been offered the tenements in April'. In its quarterly report it notes that the 'delay might be due to "native title issues"'. Natural Resources Minister Craig Wallace said that he will 'work through the issues such as native title with Geodynamics'. *Courier Mail*, 3-Nov-06, pg 83.

4-Nov-06 **Cape still waiting for park status** Twelve years ago the premier Wayne Goss 'announced Labor would turn the state's largest rainforest wilderness on Cape York Peninsula into a national park'. Wilderness spokesman Lyndon Scheiders said 'it was time the government came good on its promise'. He said 'twelve years it enough. I understand native title issues take a long time but its time the Government and traditional owners worked this out'. *Courier Mail*, 4-Nov-06, pg 33.

6-Nov-06 **Agreement may open coast land** The council and the Port Curtis Coral Coast (PCCC) signed a Memorandum of Understanding which may open up 'land space in Tannum Sands...for residential and commercial use through an historical native title agreement with Caliope Shire Council'. Under the agreement, a 'portion of the blocks made available for development by the Queensland Government would be handed over to native title claimants'. *Gladstone*, 6-Nov-06, pg 5.

7-Nov-06 **No support for land claim** A land claim lodged by the Forster Local Aboriginal Land Council 'has failed to win the support of Great Lakes Council'. Land under the claim is Unreserved Crown land (proposed road) located near the Nabic

Aerodrome. The council rejected the claim because 'several privately owned parcels of land in the vicinity only have access to their property via the road'. *Manning River Times*, 7-Nov-06, pg 5.


7-Nov-06 **Aborigines appeal ruling** The Yankunytjatjara people are appealing a compensation test case which was dismissed by Sackville J in March. The claim groups are seeking 'compensation for the extinguishment of their native title rights and interests after the town of Yulara near Uluru, was built.' *Australian Financial Review*, 7-Nov-06, pg 8; 'Appeal over Uluru tourist town' *Courier Mail*, 7-Nov-06, pg 12; 'Yulara compo on appeal' *Northern Territory News*, 8-Nov-06, pg 7; 'Aboriginal appeal failed in Yulara, Uluru compensation bid' *Northern Territory News* 16-Nov-06, pg 9.

9-Nov-06 **Plans to alter Act welcome** The Wild Rivers Act has been changed in order to provide a "balanced approach" promised by the Government. Cape York Council Chairman Michael Ross said 'the amendments went some way to allaying the fears of the Indigenous community but more were needed'. He said: 'we haven't finished our negotiations yet in the area of economic development for communities'. *Cairns Post*, 9-Nov-06, pg 24.

16-Nov-06 **Land resource partnership** The Burnett Mary River Group (BMRG) has 'established an agreement with the Indigenous Traditional Owner Working Group (TOWG) to improve natural resource management in the area'. The partnership will 'formalise communications between the BMRG and the traditional owners who members include the Butchalla, Bailai Djaku-nde and Jangarie Jangerie Gooreng Gooreng, Gurang, Jlnibara, Kabi Kabi, Taribelang Bunda, Wakka Wakka and Wulli Wulli people'. *News Mail*, 16-Nov-06, pg 4; 'Saving resources the goal' *Koori Mail*, 22-Nov-06, pg 71.

16-Nov-06 **Park anger plan** In a public meeting at the Mount Isa City Council chambers, 'tempers flared' as residents 'tried to save their neighbourhood park' and asked the Mayor Ron McCullough why 'outlying parts of the city were not being developed'. *North West Star*, 16-Nov-06, pg 1.

16-Nov-06 **Waiting on the green light: for power and water at Lady Annie** Work to get power and water to part of Copper Co's proposed Lady Annie mine should start early next year. According to Copper Co exploration and business development general manager Simon Pooley, the 'work fell under an ancillary agreement for a mining lease for transport which was signed with representatives of the Kalkadoon people, who are the native title holders, in early October'. *North West Star*, 16-Nov-06, pg 4.



22-Nov-06 **Mapping their future: wet tropics 'eternal project' is under way** Indigenous people from the Wet Tropics World Heritage Area in far north Queensland attended a workshop 'hosted and co-ordinated by the Aboriginal Rainforest Council (ARC)' to discuss the future of the project which was aimed to 'allow members of the 18 rainforest tribal groups between Townsville and Cooktown to take control of the protection and management of their own cultural knowledge and heritage'. *Koori Mail*, 22-Nov-06, pg 13.

22-Nov-06 **Traditional owners given remote land** The Melsonby Aboriginal people have been handed back a '11 000 ha Cape York property, including a 9000 ha national park'. Environment Minister Lindy Nelson Carr said 'this is a historic occasion where we are recognising the natural and cultural conservation values of this special part of Cape York'. She said 'we are acknowledging past Indigenous connection to land and making a positive move towards placing the ownership and management of a special part of Cape York in the hands of Aboriginal people'. *Cairns Post*, 22-Nov-06, pg 10; 'Melsonby hand-over' *Cooktown Local News*, 22-Nov-06 pg 7

25-Nov-06 **Native title deal for boom council** The Jagera people signed a Memorandum of Understanding (MOU) with the Ipswich City Council 'that provided goodwill persists will result in an Indigenous land use agreement'. The Jagera, Yuggera and Ugarapal people 'lodged a native title claim over 6000 square kilometres of land stretching from Brisbane to Toowoomba and Esk to Boonah'. Caroline Bonner Bray, spokeswoman for the Jagera people said 'this is just a small step in the right direction in building a strong partnership for the future'. Ipswich Mayor Paul Pisasale said he would 'use his position as chairman of the Western Region Organisation of Councils to urge other local governments to follow the pattern of negotiation'. The MOU 'sets out a framework for negotiations on the land under the claim in the Ipswich City Council area'. The MOU will 'allow negotiations directly between the council and the Jagera over matters such as infrastructure development and cultural heritage without going through the courts'. Ipswich Deputy Mayor Victor Attwood said 'despite the regions' growth boom, landowners, businesspeople and developers should hold no fears about the claim'. Under the agreement the 'Jagera people would help developers identify important sites and work out means to deal with them'. Jagera spokeswoman Madonna William said 'the MOU was an important step in negotiations for an Indigenous land-use agreement.' *Weekend Australian*, 25-Nov-06, pg 9; 'Ipswich claims a first' *National Indigenous Times*, 30-Nov-06, pg 12; 'Tears of joy' *Queensland*


Times, 28-Nov-06, pg 6; 'Native title first claimed by Ipswich' *North West Star*, 28-Nov-06, pg 5; 'Historic pact on native title' *Ipswich News*, 30-Nov-06, pg 1.

28-Nov-06 **Miners rush to stake claims** Four Indigenous land use agreements have been made for 'small scale mining and exploration over large parcels of country from the historic Palmer River goldfields to the tin deposits around Mr Garnet and Irvinebank'. The agreements 'come on top of one about to be negotiated with the Wakaman people at Chillagoe to allow for a major expansion of the Perth-based mining company Kaga Zinc's interests'. The company has also established agreements with the 'Gugu-Badhun and Bar Barrunb people for the mine sites in the Mt Garnet area'. The latest small scale agreement is being negotiated with the Bar Barrum people in the Herberton area. The 'first small mining tenements on the Palmer River goldfields are expected to be granted before Christmas after the Western Yalanji agreement was registered in June'. *Cairns Post*, 28-Nov-06, pg 8.

6-Dec-06 **Subdivide pastoral land says Katter** Federal Member for Kennedy Bob Katter 'wants the State Government to free up a "land locked" Mt Isa'. Landholders who have 'occupational licences or grazing leases on land surrounding the city have faced difficulties under native title legislation when trying to convert the land to freehold' land which can be subdivided and sold. Mount Isa MP Betty Kiernan said that the 'State government's policy was to help councils sort through native title'. Mr Katter maintained that the 'State Government was a sovereign power and it could "do what it liked" with the land. He further said that 'native title holders can sue for compensation' and could 'not see the native title holders holding out on this'. *North West Star*, 6-Dec-06, pg 3.

8-Dec-06 **Tourists pay for hoons** Visitors to the Kalpowar Station will need to pay to access fishing spots 'after traditional owners threatened to lock the gates last week'. Kalpowar spokesman and chairman of the Cape York Land Council Michael Ross 'said Indigenous owners of the station were drawing up plans to charge an entry fee similar to those applies to national parks in a bid to halt the wanton destruction of private property and anti-social behaviour'. He 'defended his decision to ramp up his rhetoric, saying the behaviour of a minority has been shoddy in the extreme'. *Cairns Post*, 8-Dec-06, pg 4.

8-Dec-06 **Moreton Border News** The Ipswich City Council and the Jagera people have signed a memorandum of understanding (MOU) 'setting out a framework that will protect and manage public land within the Jagera people's native title claim'. Ipswich Mayor Paul Pisasale said 'the MOU is the culmination of 18 months of formal negotiations



between council and the Jagera people'. According to him, it is a 'tremendous step forward for Ipswich as it establishes the framework for an Indigenous Land Use Agreement' (ILUA). Under the 'proposed ILUA council and native title claimants will establish how they will deal with future infrastructure development, cultural heritage issues and community relationships in the area'. *Moreton Border News*, 8-Dec-06, pg 14; 'Tears of joy shed' *Ipswich Advertiser*, 13-Dec-06, pg 5.

SOUTH AUSTRALIA

1-Nov-06 **New licenses double petroleum exploration area in SA** Eight new licences have been granted to SAPEX doubling the area explored for petroleum in South Australia after concluding land access agreements with the Yankunytjatjara/Antakirinja native title holders, the Antakirinja Matu-Yankunytjatjara native title claimants, the Arabunna native title claimants and the State government. Seven of the licenses cover the Arckaringa Basin and the other, St Vincent's Basin. The licenses are 'clear evidence of the high level of interstate and global interest in exploring for oil and gas in SA'. Mineral resources Development Minister Paul Holloway said: 'before the Arckaringa Basin PELs could be granted, and pursuant to the Commonwealth Native Title Act 1993, it was necessary to conclude native title land access agreements over the areas to be licensed'. He said 'all involved in this successful outcome should be congratulated...SA continues to lead the nation in attaining native title agreements that are fair to the native title claimants and sustainable for economic development projects'. *Mining Chronicle*, Nov-06, pg 13.

30-Nov-06 **Title decision close** The National Native Title Tribunal will make a decision on the registration of an Indigenous Land Use Agreement (ILUA) for 'the proposed Ceduna Keys Marina and residential development later this week'. *West Coast Sentinel*, 30-Nov-06, pg 3.

7-Dec-06 **Native title fishing** The fourth meeting between the Barngarla and Nauo-Barngarla native title claimants and the South Australian Fishing Industry Council, the Seafood Council of SA, the Aboriginal Legal Rights Movements and the State Government has concluded. The talks were designed to reach an Indigenous Land Use Agreement which aimed to 'provide recognition of the Eyre Peninsula's Barngarla and Nauo-Barngarla people and agreement on how they would operate in the future'. *West Coast Sentinel*, 7-Dec-06, pg 3.

20-Dec-06 **Committee meeting** The Emerald Shire Council held its 'last Gemfields Advisory Committee meeting' and has 'some native title and acquisition

issues' to resolve before proposed plans can be completed between January and March. *Central Queensland News*, 20-Dec-06, pg 14.

20-Dec-06 **Naming ceremony to recognise the Wiri People** Rio Tinto Coal Australia has 'recognised the regions' traditional Indigenous owners by giving one of its draglines an Aboriginal name'. Minister for Natural Resources Craig Wallace said "Wiri Bimbi translates to Wiri, the landowners' name, and Bimbi, which represents the notion of good - a promising symbol in the traditional owners' new relationship will Hall Creek'. *Daily Mercury*, 20-Dec-06, pg 12.


TASMANIA

15-Nov-06 **Aborigines are evicted from island** The Indigenous Land Corporation is 'evicting Tasmanian Aborigines off a Bass Strait island over which ILC has a lease'. This more is 'extraordinary considering the Tasmanian Parliament only last year passed land rights legislation vesting freehold to the island in Tasmanian Aborigines'. *Hobart Mercury*, 15-Nov-06, pg 22.

VICTORIA

7-Nov-06 **Land dispute still simmering** Property developer Michael Maher 'expects the controversial Convincing Ground land dispute to go to a hearing next year after the State Government places its plan for the site in the Gleneg planning scheme'. It was unlikely that the issue would be resolved through mediation with Planning Minister Rob Hulls intervening 'to finalise the contentious plan'. The plan 'blocks development on an area recognising the first recorded massacre of Aboriginal people in the 1830s and the Convincing Ground's whaling station'. *Warrnambool Standard*, 7-Nov-06, pg 4.

8-Nov-06 **Native Title consensus** After 'months of failed mediation' the 'Federal Court will hear the Gunditjmarra Native Title Group's application to strike out the [Framlingham Aboriginal trust] from the decade long case on Monday'. The 'Gunditjmarra Native Title Group and the state have reached an in-principle agreement recognising Gunditjmarra native title rights and interests in most of the claimed land in western Victoria'. The agreement has been supported by the Commonwealth and a hearing date has been set for December 19. *Warrnambool Standard*, 10-Nov-06, pg 3; 'Dispute over land claim: mediation talks fail', *Portland Observer*, 8-Nov-06, pg 3; 'Native title case continues' *Hamilton Spectator*, 14-Nov-06, pg 2; 'Native title claim in mediation' *Warrnambool Standard* 29-Nov-06, pg 10; 'Native title claim continues in court' *Portland Observer*, 27-Nov-06, pg 5.



14-Nov-06 **Land rights link is lost** One of the last remaining fathers of Aboriginal land rights "Hoppy" Mick Rangiarri died November 12. He was 'one of the 200 Aboriginal stockmen and their families at Wave Hill who chose to return to the bush rather than continue as servants at the British owners station'. *Border Mail*, 14-Nov-06, pg 6; 'Land rights activist fought for equality' *Herald Sun*, 14-Nov-06, pg 13; 'Bushman Hoppy passes on' *Warrnambool Standard* 14-Nov-06, pg 2.

22-Nov-06 **VNPA calls for Yorta Yorta to manage park** The Victoria National Parks Association (VNPA) 'wants the Yorta Yorta people to be joint managers of the river red gum national park at Barmah'. VNPA Charlie Sherwin said 'Aboriginal traditional owners in Victoria have been overlooked for too long...it is time to give real opportunities to the Yorta Yorta people by agreeing to the first ever jointly managed national parks in Victoria.' *Riverine Herald*, 22-Nov-06, pg 2.

WESTERN AUSTRALIA

2-Nov-06 Nyungar council established

The Esperance Nyungars now have 'a united voice' through the Esperance Nyungar Aboriginal Corporation (ENAC) which has been established as a part of the 'Goldfields Land and Sea Council and will become a local organisation caring for the interests of the Esperance Aboriginal community'. The 'corporation will offer advice and assistance on housing, education and healthcare needs as well as working with local groups to promote Aboriginal [interests] through community and environmental projects'. *Esperance Express*, 2-Nov-06, pg 5.

2-Nov-06 **Piper joining Freehills** Chloe Piper has been 'appointed special council in the Perth office of Freehills, in a national role. Ms Piper has significant experience in native title and Indigenous cultural heritage matters as well as all aspects of mining, oil and gas and infrastructure developments'. *Business News*, 2-Nov-06, pg 2.

7-Nov-06 **Appeal slammed** Lawyer and human rights advocate Irene Watson 'has criticised the State Government's native title appeal' saying that it was 'an example of the way Australia's colonial past still affected the way that Aboriginal people were treated'. She said: 'what are the possibilities of equality, when Australia's colonial foundation makes imperative the Australian Government's stake in retaining inequality and its oppression of Aboriginal people?' *Canning Times*, 7-Nov-06, pg 4; 'Appeal attacked' *Fremantle Gazette*, 7-Nov-06, pg 3; 'Aboriginal lawyer slams title appeal' *Melville Times*, 14-Nov-06, pg 22; 'Appeal over title criticised'


Southern Gazette, 21-Nov-06, pg 21; 'Native Title Appeal Slated' *Koori Mail*, 22-Nov-06, pg 76.

16-Nov-06 **RTZ-CRA Gumala sign \$60m deal** Pilbara iron-ore miner RTZ-CRA 'signed a historic accord with the Gumala Aboriginal Corp likely to be worth more than \$60 million, this week, 10 years ago, ensuring the group's entitlement to its rich Yandicoognia iron ore deposit'. A memorandum of understanding was signed by 'three communities represented by Gumala - the Bunjima, Niapaili and Innawonga people' which provided for the 'transfer of 26 000 hectares of land and aimed to preserve Aboriginal access to unused parts of the 30 000 ha mining lease'. Benefits from the agreement 'should take the form of community development, training, employment and business development'. *Business News*, 16-Nov-06, pg 34.

16-Nov-06 **Tiwest in landmark native title deal** Tiwest, producer of mineral sands and titanium dioxide 'has made a native title agreement with native title claimants north of Perth'. Under the agreement Tiwest 'will provide apprenticeships, traineeships, work experience, create business opportunities and help develop a cultural awareness program'. Tiwest Corporate Services general manager David Charles said 'Tiwest and Yues people wanted to establish a new benchmark'. *Central Midlands & Central Coast Advocate*, 16-Nov-06, pg 3.

22-Nov-06 **Rock art wrong report** National Trust spokesman Robin Chapple said 'the Department of Environment and Conservation plan. Which set aside 60 per cent of the Burrup Peninsula land area for conservation was wrong'. He said that the 'Burrup peninsula Land Use Plan and Management Strategy only accounted for the northern end of the Burrup'. *Pilbara News*, 22-Nov-06, pg 3.

22-Nov-06 **Back to country: Northern Kimberly Coast natural, cultural values, assets documented** The final report of the Saltwater Country Project, funded by the Natural Heritage Trust and undertaken by the Kimberly Land Council and WA Department of Indigenous Affairs and administered by the Rangelands Co-ordinating Group (RCG) was handed over to the Agriculture and Food Minister Kim Chance. Mr Chance 'commended the important role played by traditional owners and said 'The Saltwater Country Project has provided an opportunity for these traditional owners to articulate their values on the natural and cultural resources of the region's coastal and marine environment, allowing for better planning and management in the future'. *Koori Mail*, 22-Nov-06, pg 28.



23-Nov-06 **Land and Sea Council staff revolt** Former Yamatji Land and Sea Council chairperson Wayne Warner said that that 'he no longer wanted to be associated with the Council because of what he called unacceptable management issues'. His concerns 'have been strongly echoed by at least 20 current staff members who signed a petition stating that 'the Employees are concerned about the loss of key and highly experienced operation staff and the potential for more departures if matters remain unresolved'. The petition related to a 'formal complaint lodged by the Council's Principal Legal Officer Helen Lawrence 'stating that she 'had very serious concerns about [the Executive Director's] performance'. Mr Warner said 'it was imperative the concerns of current and former staff members are acted on by the Governing committee, "the entire future of the Yamatji people rests on the YLSC"'. *Mid-West Times*, 23-Nov-06, pg 5.

24-Nov-06 **Goldfields Land and Sea Council celebrate their 22nd birthday** Members of the Goldfields Land and Sea Council will meet in Kalgoorlie for their annual general meeting 'marking 22 years of operation'. The GLSC has been the region's native title representative body for the last 19 years and was 'the only NTRB in Australia and the sole WA Aboriginal Corporation to reach the finals of the 2005 Indigenous Governance Awards'. Executive Director, Brian Wyatt said 'with GLSC support, Indigenous people are gaining an increasing role in management of vacant Crown land and conservation areas; gaining ownership of former ALR reserves and getting government reserves and other lands entrusted to their care'. *Golden Mail*, 24-Nov-06, pg 19.


25-Nov-06 **Native Title rights won** The 'Miriwung Gajerrong and Kija people have won exclusive native title rights over four community lease areas and shared rights and interests with pastoralists on pastoral lease land'. Kimberly Land Council executive Wayne Bergmann said 'the resolution of the claim shows what can be achieved by parties working together'. He said 'I acknowledged the leadership shown by the pastoralists involved in recognising the benefit of developing mutually beneficial long term relationships with traditional owners' and congratulated the 'Office of Native Title for their commitment and persistence in ensuring an outcome could be reached that satisfies the needs of all parties'. The native title holders 'have the right to live and camp' on pastoral leasehold land as well as 'hunting and fishing rights and the right to engage in cultural practices on the land'. They 'also have the right to make decisions about using the land in accordance with traditional law and custom'. Dr Henry Esbenshade Native Title Director of the Pastoralists and Graziers Association of WA said 'the pastoral industry is working towards

understanding more of the operational effects so outcomes can be beneficial to both the native title holders and to the pastoral leases for a range of benefits'. 'Title claim' *Burnie Advocate*, 25-Nov-06, pg 22; 'Native title grant in WA' *Launceston Examiner*, 25-Nov-06, pg 19; 'Native title granted' *Sunday Mail Adelaide*, 26-Nov-06, pg 28; 'Title granted' *Adelaide Advertiser*, 25-Nov-06, pg 19; 'Koori Kimberly claim a success' *Coffs Coast Advocate*, 25-Nov-06, pg 20; 'Native title granted in Kimberly' *Cairns Post*, 25-Nov-06, pg 22; 'Aborigines celebrate Kimberly land coup' *Canberra Times*, 25-Nov-06, pg 7; 'Native title claim' *Courier Mail*, 25-Nov-06, pg 11; 'Kimberly native title grant' *Daily Telegraph*, 25-Nov-06, pg 13; 'Courts grant native title' *Geelong Advertiser*, 25-Nov-06, pg 19; 'Aborigines win big land claim' *Illawarra Mercury*, 25-Nov-06, pg 9; 'Aussie watch' *Queensland Times*, 25-Nov-06, pg 18; 'Tribes win title' *Sydney Morning Herald*, 25-Nov-06, pg 10; 'Aborigines win rights over Packer land' *Weekend Australian*, 25-Nov-06, pg 9; 'Long-running Kimberley native title land claim granted' *West Australian*, 25-Nov-06, pg 9; 'Successful Kimberley native title claim a reality' *National Indigenous Times*, 30-Nov-06, pg 12; 'Native title a shared right' *Northern Territory News*, 25-Nov-06, pg 31; 'Native Title fight resolved' *Farm Weekly*, 30-Nov-06, pg 146.

28-Nov-06 **Title claim nears a decision** A 'three year wait for the decision on the Wongatha native title claim north of Kalgoorlie may be over next month'. The Goldfield Land and Sea Council has 'received notification recently from the court to expect a decision in the week of December 18'. Executive Director Brian Wyatt said he was 'optimistic about a favourable decision from the court because of the substance of the claimants connection to land'. *Kalgoorlie Miner*, 28-Nov-06, pg 1.

1-Dec-06 **Meredith elected GLSC chairperson** Dion Meredith has been elected as the new Chairperson of the Goldfields Land and Sea Council. He paid tribute to the outgoing chairman Ian Tucker saying that 'he has done an excellent job raising the GLSC to its secure position'. *Kalgoorlie Miner*, 1-Dec-06, pg 5; 'New Chairman for land council' *Esperance Express*, 14-Dec-06, pg 9.

6-Dec-06 **South West Boorah lodge new claim** People are being invited to lodge their interest to participate in native title negotiations over 10,000sq km of coastal land about 30km south of Bunbury. The claim areas 'falls within the Augusta-Margaret River, Bridgetown-Greenbushes, Busselton, Capel, Donnybrook-Balingup, Manjimup and Nannup shires'. Registered on 5 September 2006, this is a new claim by the South West Boorah people seeking to have native title rights recognised over



the area. After the notification period has closed, the Federal Court is likely to refer the claim to the National Native Title Tribunal for mediation. 'claim takes in big area of SW' *South Western Times*, 14-Dec-06, pg 5; 'SW native title claim starts again' *West Australian*, 7-Dec-06, pg 10.

6-Dec-06 **'This land is ours': A celebration of native title for the Miriuwung Gajerrong** The Miriuwung Gajerrong people are 'celebrating recognition of their native title over 6758 square kilometres of land'. The determination covers 'land extending from near Kununurra to the Northern Territory Border, and brings the total area where native title is recognised in the Kimberly to more than 35 per cent'. The Kimberly Land Council 'welcomes the determination'. Executive Director Wayne Bergmann said that the 'resolution of the MG #4 claim demonstrates what can be achieved by all parties working co-operatively together, and recognising that native title is a reality that cannot be ignored'. Edna O'Malley from the Miriuwung Gajerrong Corporation said 'having full native title on our country means that we can have small business development on our living area, make business expertise come our way and we've also got a big future with the whole Ord Agreement'. *Koori Mail*, 6-Dec-06, pg 6.

6-Dec-06 **Landmark management deal for Lake Argyle area** The Western Australian Government has entered into an agreement with the Miriuwung Gajerrong people 'for the joint management of a 127 000 reserve of land at the southern end of Lake Argyle.' Deputy Premier Eric Ripper said 'this agreement recognises the important role that traditional custodians have to play in the protection and management of the State's water and wetlands'. Water Resources Minister John Kobelke said 'that partnerships and co-operations were the key to successful long-term projects'. *Koori Mail*, 6-Dec-06, pg 73.

8-Dec-06 **Native title upgrade** The 'native title process will be streamlined under amendments to the Native Title Act announced by Attorney General Phillip Ruddock'. Four amendments were introduced in the House of Representatives. Mr Ruddock said 'none of them undermined the wide intent of the native title.' He said: 'measures in this Bill do not seek to wind back or undermine native title rights and focus largely on the framework for determining native title claims'. One of the reforms includes 'offering financial assistance to claimants who choose to participate in negotiated settlements'. Other changes include removing 'the possibility of courts and the National Native Title Tribunal doing the same work'. *Kalgoorlie Miner*, 8-Dec-06, pg 4; 'Jagera sign MOU' *Koori Mail*, 6-Dec-06, pg 17;

'Memorandum recognises past' *South West News*, 13-Dec-06, pg 12.

14-Dec-06 **Green Swamp - finally** Green Swamp Agriculture (GSA) has 'started work developing the first land for irrigated agriculture under the terms of the Ord Final Agreement'. GSA has 'formally accepted the State Government's offer of conditional purchase' and has introduced a number of innovations including an Aboriginal heritage site. *Kimberley Echo*, 14-Dec-06, pg 2.

16-Dec-06 **Star debut by iron ore miner** West Australian Iron Ore miner BC iron is in the 'process of dealing with native title claimants and the mines departments before a planned drilling campaign in March' on tenements in the Pilbara area. The company has determined that 'there are about 200 million and 600 million tonnes of channel material on the tenements'. *Hobart Mercury*, 16-Dec-06, pg 38.

16-Dec-06 **Big demand for Broome land** The demand for housing in Broome 'continues unabated'. Government developed Land Corp's Chief Executive Ross Holt said that 'native title negotiations were under way to free up additional land'. *West Australian*, 16-Dec-06, pg 4.

19-Dec-06 **Adjourned** A hearing 'involving Perth Airport's alleged breach of the WA Heritage Act' has been adjourned by Perth Magistrate Paul Heaney until February, The 'airport had been accused of damaging an Aboriginal heritage site by clearing land for an industrial development' *Canning Times*, 19-Dec-06, pg 2; 'Hearing set' *Southern Gazette*, 19-Dec-06, pg 2.

19-Dec-06 **Ore road risks telescope project** The Western Australian Government's bid for a '\$2 billion outback telescope is at risk' after mining proponents 'successfully lobbied for a busy mining road to run through the middle of the radio sensitive site'. Scientists have 'spent \$4 million and three years researching the telescope site, running radio interference tests and negotiating native title'. *Australian*, 19-Dec-06, pg 4.

20-Dec-06 **Date set for claim decision** The Federal Court decision on the 160 000 sq km Wongatha claim will be handed down February 5 according to the Goldfields Land and Sea Council. The claim covered land from Kalgoorlie into the northern Goldfields. *Kalgoorlie Miner*, 12-Dec-06, pg 3.

21-Dec-06 **Prospecting still a part of Fields** Amalgamated Prospectors and Leaseholders Association President Sean Ashcroft said that 'land access was the biggest problems for non-corporate miners'. He said that this was 'due to native title and other aspects which tie the land up'. Mick Photios

has prospected in WA and South Australia and the Northern Territory and said that 'native title stalls the granting of mining tenements. Until then nothing can be done at the site'. *Kalgoorlie Miner*, 21-Dec-06, pg 14.

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APPLICATIONS LODGED WITH THE NNTT

DATE FILED	APPLICATION NAME NNTT HYPERLINK	APPLICATION TYPE	STATUS	STATE/ TERRITORY	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
2/11/2006	Boonthamurra People	CLAIMANT	ACTIVE	QLD	QC06/15	QUD435/06
13/11/2006	NSW Minister for Lands #10	NON-CLAIMANT	ACTIVE	NSW	NN06/14	NSD2240/06
16/11/2006	Ngawun Mbara People Core Country Claim	CLAIMANT	ACTIVE	QLD	QC06/16	QUD448/06
21/11/2006	Melsonby (Gaarraay) People	CLAIMANT	ACTIVE	QLD	QC06/17	QUD452/06
27/11/2006	Wanamara People Core Country Claim	CLAIMANT	ACTIVE	QLD	QC06/18	QUD460/06
28/11/2006	Walmbaar Aboriginal Corporation	COMPENSATION	ACTIVE	QLD	QP06/1	QUD469/06
30/11/2006	Karingbal People	CLAIMANT	ACTIVE	QLD	QC06/19	QUD473/06
8/12/2006	Ngurrulpa	CLAIMANT	ACTIVE	WA	WC06/5	WAD357/06
11/12/2006	Townsville City Council	NON-CLAIMANT	ACTIVE	QLD	QN06/2	QUD489/06
13/12/2006	Yirendali People Core Country Claim	CLAIMANT	ACTIVE	QLD	QC06/20	QUD495/06
21/12/2006	Mantjintjarra Ngalia #2	CLAIMANT	ACTIVE	WA	WC06/6	WAD372/06

(This information has been extracted from the National Native Title Tribunal website www.nntt.gov.au). For further information regarding Applications Lodged contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au

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APPLICATIONS CURRENTLY IN NOTIFICATION

NOTIFICATION CLOSING DATE	APPLICATION NAME	APPLICATION TYPE	DATE FILED	STATE/ TERRITORY	NNTT FILE NO.	FEDERAL COURT FILE NO.
10/01/2007	Tennant Creek No.2	CLAIMANT	7/07/2006	NT	DC06/3	NTD8/06
10/01/2007	Gosford City Council	NON-CLAIMANT	4/08/2006	NSW	NN06/10	NSD1482/06
7/02/2007	NSW Minister for Lands #9	NON-CLAIMANT	6/09/2006	NSW	NN06/12	NSD1708/06
7/02/2007	Bond Springs	CLAIMANT	28/04/2006	NT	DC06/2	NTD4/06
7/02/2007	Eraring Energy ABN 31 357 688 069	NON-CLAIMANT	4/09/2006	NSW	NN06/11	NSD1685/06
21/02/2007	Deniliquin Local Aboriginal Land Council	NON-CLAIMANT	29/09/2006	NSW	NN06/13	NSD1931/06
19/03/2007	South West Boorah #2	CLAIMANT	5/09/2006	WA	WC06/4	WAD253/06
19/03/2007	NSW Minister for Lands #10	NON-CLAIMANT	13/11/2006	NSW	NN06/14	NSD2240/06

(This information has been extracted from the National Native Title Tribunal website www.nntt.gov.au). For further information regarding Applications Currently in Notification contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au

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REGISTRATION TEST DECISIONS

DECISION DATE	APPLICATION DATE	APPLICATION NAME NNTT HYPERLINK	STATE/TERR.	DECISION	NNTT FILE NO.	FEDERAL COURT FILE NO.
1/11/2006	21/04/2006	Gudjala People #2	QLD	NOT ACCEPTED	QC06/8-1	QUD147/06
2/11/2006	8/10/1997	Barkandji Traditional Owners #8	NSW	ACCEPTED	NC97/32-3	NSD6084/98
8/11/2006	9/07/1999	Gunditjmara	VIC	NOT ACCEPTED	VC99/7-3	VID6004/98
13/11/2006	22/10/2006	Mitakoodi & Mayi People	QLD	ACCEPTED	QC96/101-3	QUD6106/98
21/11/2006	15/06/2006	Bunurong People	VIC	NOT ACCEPTED	VC06/2-1	VID667/06
4/12/2006	11/04/2006	Wiradjuri Mooka 2 Clan	NSW	NOT ACCEPTED	NC06/3-1	NSD690/06



5/12/2006	11/04/2006	Cowra Wiradjuri Clan	NSW	NOT ACCEPTED	NC06/4-1	NSD689/06
8/12/2006	28/10/1997	Mandandanji #2	QLD	NOT ACCEPTED	QC97/50-2	QUD6157/98
8/12/2006	28/10/1997	Mandandanji #2	QLD	NOT ACCEPTED	QC97/50-2	QUD6157/98
11/12/2006	27/11/1996	The Yaegl People	NSW	ACCEPTED	NC96/38-3	NSD6052/98
12/12/2006	14/10/1999	Ngadion-Jii People #2	QLD	ACCEPTED	QC99/30-2	QUD6027/99
12/12/2006	13/01/2006	Kalkadoon People #5	QLD	ACCEPTED	QC06/2-2	QUD15/06
15/12/2006	24/07/2000	Toby Smirke and Others on behalf of the Jurruru People	WA	ACCEPTED	WC00/8-2	WAD6007/00
19/12/2006	28/07/2006	Mitakoodi and Mayi Peoples #4	QLD	ACCEPTED	QC06/9-1	QUD295/06

(This information has been extracted from the National Native Title Tribunal website www.nntt.gov.au). For further information regarding Registration Test Decisions contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au

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INDIGENOUS LAND USE AGREEMENTS

NNTT FILE NO.	NAME NNTT HYPERLINK	TYPE	STATE/TERR.	REG. DATE	SUBJECT MATTER
SI2005/007	Ceduna Keys Marina ILUA	AREA AGREEMENT	SA	11/12/2006	DEVELOPMENT
QI2004/023	Telstra Mandingalbay Yidinji People ILUA	ALTERNATIVE PROCEDURES AGREEMENT	QLD	08/12/2006	ACCESS
QI2006/023	Mandingalbay Yidinji/State of Queensland	AREA AGREEMENT	QLD	20/11/2006	ACCESS CO-MANAGEMENT
QI2006/028	Enertrade - BBKY #4 CQGP Agreement	AREA AGREEMENT	QLD	16/11/2006	PIPELINE
VI2004/006	Wedderburn Mining	AREA AGREEMENT	VIC	08/11/2006	MINING
VI2005/009	Victorian Mining Licence 5433	AREA AGREEMENT	VIC	08/11/2006	MINING
VI2005/014	Victorian Mining Licences 5414 & 5415	AREA AGREEMENT	VIC	08/11/2006	MINING

(This information has been extracted from the National Native Title Tribunal website www.nntt.gov.au). For further information regarding ILUAs contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au

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DETERMINATIONS

SHORT NAME NNTT HYPERLINK	CASE NAME	DATE	STATE/ TERR.	OUTCOME	LEGAL PROCESS
Ulladulla Local Aboriginal Land Council	<i>Ulladulla Local Aboriginal Land Council v New South Wales Native Title Services Limited</i> (unreported, FCA, 13 December 2006, Jacobson J)	13/12/2006	NSW	NATIVE TITLE DOES NOT EXIST	UNOPPOSED DETERMINATION
Miriuwung Gajerrong #4	<i>Ben Ward, Kim Aldus, Frank Chulung, Sheba Dignari & Ors v State of Western Australia & Ors</i>	24/11/2006	WA	NATIVE TITLE EXISTS IN PARTS OF THE DETERMINATION AREA	CONSENT DETERMINATION
Mandingalbay Yidinji People	<i>Mundraby v State of Queensland [2006] FCA 436</i>	20/11/2006	QLD	NATIVE TITLE EXISTS IN THE ENTIRE DETERMINATION AREA	CONSENT DETERMINATION
Forster Local Aboriginal Land Council	<i>Forster Local Aboriginal Land Council v New South Wales Native Title Services Limited</i> [2006] FCA 1455	07/11/2006	NSW	NATIVE TITLE DOES NOT EXIST	UNOPPOSED DETERMINATION

(This information has been extracted from the National Native Title Tribunal website www.nntt.gov.au). For further information regarding Determinations contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au

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ITEMS IN THE AIATSIS CATALOGUE

The following list contains either new or recently amended catalogue records relevant to Native Title issues. Please check MURA, the AIATSIS on-line catalogue, for more information on each entry.

Please check out the AIATSIS Library online exhibition, *To remove and protect: laws that changed Aboriginal lives*, that presents digitised copies of all legislation that applied specifically to Aboriginal children or were general child welfare/adoption laws. You can examine copies of all legislation from the 19th century to modern times. These laws were all cited in the *Bringing them home* report on the forced removal of Aboriginal children from their families.

Also, check out the on-line exhibit, *Collectors of Words*. At present, this includes wordlists compiled by

E.M. Curr and R. Brough Smyth, but plans are in train to add more listings. There are several navigational devices to use, including clicking on a map for immediate access to the wordlist compiled for that area.

Recently catalogued research reports from the National Native Title Tribunal include;

Queensland: Bularnu people, Central Southern Queensland, Waluwarra people, Wangkangurru / Yarluyandi and Mithaka overlap, Wuthathi people #2
Western Australia; Wajarri Yamatji.

The Friends of the State Library of South Australia has issued a number of facsimile editions of early explorers' journals with introductions by Valmai



Hankel. Look under **History- explorations and accounts**.

Also, Suzanne Ziegler of the Berlin Phonogrammarchiv has issued a listing of all of its holdings of wax cylinders of music and speech recorded from 1898 to the 1930's. The Phonogrammarchiv sent wax cylinder recording machines all over the world in order to obtain copies of music and speech from non-Western cultures. Australian recordings include cylinders made by the Frobenius Expedition to Qld. and WA, Beagle Bay material, and a recording made in 1914 at Coranderrk, NSW. An accompanying CD contains digitally enhanced copies of a number of the recordings.

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Morphy, Howard 'The practice of an expert: anthropology in Native Title' (2006) 16 *Anthropological Forum* 135.

Archaeology

Bourke, Patricia Mary, 'Identifying Aboriginal 'contact period' sites around Darwin: long past due for native title?' (2005) 1 *Australian Aboriginal Studies*, 54.

Harrison, Rodney 'Contact archaeology and native title'. (2005) 1 *Australian Aboriginal Studies*, 16.

Hiscock, Peter (Peter Dixon) and Faulkner Patrick. 'Dating the Dreaming? creation of myths and rituals for mounds along the northern Australian coastline'. (2006) 16 *Cambridge Archaeological Journal* 209.

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Slack, Michael (et. al) 'Late Holocene occupation at Bunnengalla 1, Musselbrook Creek, Northwest Queensland' (2005) 60 *Australian Archaeology* 54.

Veth, Peter and O'Connor, Sue 'Archaeology, claimant connection to sites, and native title: employment of successful categories of data with specific comments on glass artefacts' (2005) 1 *Australian Aboriginal* 2.

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Basedow, B. (Bern) *The Basedow story : a German South Australian heritage* (1990).

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Batty, Philip 'Private politics, public strategies: White advisors and their Aboriginal subjects' (2005) 75 *Oceania* 209.

Craven, Zoe. University of New South Wales. Indigenous Law Centre. 'Eventually they get it all': *government management of Aboriginal trust money in New South Wales : research report*' (2006).

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Brough, Mal *Reforms to improve management of native title rights: joint media release with The Hon Philip Ruddock MP, Attorney-General*. 2006 at <http://atsia.gov.au/media/media06/7206.aspx>

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Davidson, Allan A, State Library of South Australia. Friends. Central Australian Exploration Syndicate.



Journal of explorations in central Australia by the Central Australian Exploration Syndicate, Limited, under the leadership of Allan A. Davidson, 1898 to 1900 : South Australian parliamentary paper no. 27, 1905 (2004).

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Giles, Ernest *Ernest Giles's explorations, 1872-76 : South Australian parliamentary papers 1872-76*. Adelaide (2000).

Landsborough, William *Journal of Landsborough's expedition from Carpentaria, in search of Burke & Wills : with a map showing his route*. Adelaide (2000).

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WHAT'S NEW WITH THE NTRU

Staffing

Ms Toni Bauman and Ms Jessica Weir will be joining the NTRU on 22 January 2007 as VRFs. They will be working on the NTRU's prescribed bodies corporate project. Toni will also be researching the

role of applicants, authorisation and Indigenous decision making. Jessica will also be working on a project with the Gunditjmarra people and continuing her research on negotiating cultural flows in the Murray-Darling Basin.

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Got something to say?

Contact the NTRU if you would like to include your native title event, opportunity of other news in this Newsletter. There are also limited spots for contributing a features article. Please contact the NTRU ntru@aiatsis.gov.au or (02) 6246 1161.

Want faster access to information?

The Newsletter is also available in ELECTRONIC format. This will provide a FASTER service for you, and will make possible much greater distribution, is better for the environment and allows you to use the HYPERLINKS contained in each issue. If you would like to SUBSCRIBE to the Native Title Newsletter electronically, please send an email to ntru@aiatsis.gov.au and you will be helping us provide a better service. Electronic subscription will replace the postal service. Please include your postal address so we can cross check our records. The same service is also available for the Issues Papers series.

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