



What's New: October 2006

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Legislation

[Aboriginal Land Rights \(Northern Territory\) Amendment Act 2006](#)

Number: No. 93, 2006

Act was given assent on 5 September 2006.

Amending Act Consolidated version of the Aboriginal Land Rights (Northern Territory) Act 1976

[Explanatory Memorandum](#)

Native Title (Tribunal) Amendment Regulations 2006 (No. 1)

Number: SLI 2006 No. 244

These Regulations amend the *Native Title (Tribunal) Regulations 1993* to enable a more flexible means of exempting persons or bodies assisted by Native Title Representative Bodies (NTRBs), or bodies performing NTRB functions, from the application fee in respect of right to negotiate applications to the National Native Title Tribunal.

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

The *Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2006* supports implementation of the *Corporations (Aboriginal and Torres Strait Islander) Bill 2005 (CATSI Bill)*. The CATSI Bill will replace the Aboriginal Councils and Associations Act 1976 (ACA Act) and was introduced into the Australian Parliament on 23 June 2005. The Bill comprises three parts: consequential amendments, transitional provisions and amendments to the *Native Title Act 1993* (Native Title Act).

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Media Releases

Federal Government

Minister Prejudices the case for change to the permit system

Senator Chris Evans

4 October 2006

Senator Chris Evans has said that the Howard Government's *Discussion Paper on Aboriginal Land* 'fails to make a coherent case for a change to the permit system'. He said that the paper is a 'hastily drafted collection of unsubstantiated and sometimes contradictory claims and assertions that prejudices the need for a significant winding back of the rights of indigenous land owners', He said

that 'if there are problems with the permit system that the Minister should detail them and engage with the traditional owners in dialogue to resolve them'.

Discussion Paper on Indigenous Permit System released

Minister for Families, Community Services and Indigenous Affairs

4 October 2006

A discussion paper on 'reforming the permit system that restricts the public's access to some indigenous land has been released' by the Indigenous Affairs minister. He said that his 'concern is that the permit system has created closed communities which are restricting the ability of individuals to interact with the wider community and furthermore to participate in the real economy'.

Challenge to Native Title Ruling over Perth

Australian Government Attorneys General's Department

5 October 2006

Attorney-General Philip Ruddock announced today the Australian Government would seek leave to appeal to the Full Federal Court against Justice Wilcox's recent decision finding that native title exists over the Perth metropolitan area. 'While the Australian Government prefers to resolve native title claims through mediation where practicable, it also needs to ensure native title outcomes are credible and consistent with the law. The effective settlement of native title claims throughout Australia requires a clear understanding among stakeholders as to what the law allows. This understanding has been disturbed by Justice Wilcox's recent findings in relation to native title over Perth,' Mr Ruddock said.

Aboriginal heritage not on the Howard radar

The Hon Warren Snowdon

13 October 2006

Member for Lingiari and Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs Warren Snowdon has said that the 'Federal Government was walking away from its 2003 commitment to bring forward laws to protect Indigenous Heritage.' He said the 'failure was a clear indication that the Howard Government had no idea how important Indigenous Cultural heritage was to our image of ourselves as Australians' and that the 'government has taken no action to protect significant items and places of Aboriginal heritage and refuses to recognise that they are important to all of us'.

Is it time for the Attorney to retire?

Nicola Roxon MP

13 October 2006

In a speech to the National Lawyers Alliance National Conference, Labor's Shadow Attorney-General Nicola Roxon called the Phillip Ruddock to retire for his 'appalling record in undermining fundamental core values which underpin Australia's civil society' including his 'scaremongering on native title'.

Reforms to Improve Management of Native Title Rights

Australian Government Attorneys General's Department

27 October 2006

Improved flexibility and better access to resources for native title holders will be the key outcomes of reforms to Prescribed Bodies Corporate (PBCs) announced today by the Attorney-General, Philip Ruddock, and Minister for Indigenous Affairs, Mal Brough. 'PBCs are a key element in the native title system and need to operate effectively so native title holders can utilise their native title rights to gain economic and other benefits, and discharge their obligations regarding management of land,' Mr

Ruddock said. Mr Brough said the reforms would provide native title holders with better access to services.

(Source: <http://www.australia.gov.au/media-sites>)

Other

Customary law report will help build a bridge of knowledge between black and white people

Aboriginal and Torres Strait Islander Social Justice Commissioner

Friday, 27 October 2006

Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma has welcomed today's release of the Western Australian Law Reform Commission Report on Aboriginal Customary Laws, saying it would help to build a bridge of knowledge between black and white people by explaining the interaction between Aboriginal customary law and the WA legal system.

Speaking at the launch, Commissioner Calma said: "This comprehensive report will help to educate key institutions of our society - the judiciary, the bureaucracy, the parliament and others - about customary law, and how it plays and exerts a powerful and positive influence in communities where it is practiced. The report demonstrates how customary law is relevant to almost every area of legal regulation - be it the civil, family or criminal justice system."

"It is only through the kind of in-depth and evidence-based research included in this report that Aboriginal and Torres Strait Islander peoples can advocate for recognition of our systems of law within the Australian law."

"Traditional western approaches to law and order have not made inroads into addressing Indigenous over-involvement in the criminal justice system; indeed systemic discrimination occurring within western legal systems has exacerbated the problems. It is a misconception to believe that justice can be delivered without Indigenous engagement, participation and representation."

Commissioner Calma said a legal system must reflect the people it serves if it is to gain their confidence.

The Report on Aboriginal Customary Laws is available at www.lrc.justice.wa.gov.au

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Books, Journals, Issues Papers and Discussion Papers

Books

Marnie Leybourne and Andrea Gaynor (eds)

Water: histories, cultures, ecologies

Nedlands, UWA Press, 2006

A new book of likely interest to those working in the interdisciplinary fields of human/environment relationships (focusing on water) in Australian and other settings (e.g. in Brazil, England, Israel, North America, Syria, Vietnam).

Christa Scholtz

Negotiating claims : the emergence of indigenous land claim negotiation policies in Australia, Canada, New Zealand, and the United States

New York ; London : Routledge, 2006.

"The development of indigenous land claims politics is examined in four countries, primarily since the Second World War: Australia, Canada, New Zealand, and the United States.... Just as indigenous peoples have always pressed for recognition of their land rights and claims, states have always responded. States have experienced three broad stages in indigenous policy development, ranging from dispossession, assimilation, to self-determination. The responses of states have varied in form, timing, intent, and effects. Governments in each of the countries noted above faced key decisionmaking opportunities at different times, and only by widening the study's perspective to include countries around the globe can one appreciate the full range of options theoretically available to policymakers. I ask what factors in each country truncated the set of considered policy options, and whether the negotiation option was among them. I examine the legacies of previous policy choices in light of the set of options available at later choice opportunities." (p. 4)

The new approach revisited: a discussion paper on the Waitangi Tribunal's current and developing practices

Waitangi Tribunal, 2005

"This publication updates the Tribunal's new approach to the conduct of inquiries into historical claims. It appears in the aftermath of an election in which much attention was focused on the Treaty sector, and especially on accelerating the negotiation of Treaty settlements." (page 1)

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

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Reports

Administration of the Native Title Respondents Funding Scheme

Canberra : Australian National Audit Office, 2006

Report of audit conducted by the Australian National Audit Office into the administration of the Native Title Respondents Funding Scheme . The Scheme was established by Section 183 of the *Native Title Act 1993* (Cth), and provides for the Attorney-General to formulate Guidelines which set out criteria for grants for financial assistance to respondents in native title matters. Respondents to native title matters include pastoralists, miners, fishers and local government councils. The objective of the audit was to assess the effectiveness of the AGD's administration of grants provided under the Respondents Scheme. The ANAO concluded that , overall, AGD effectively manages the administration of grants under the Scheme. However, the ANAO identified key areas of AGD's administration of the Scheme that could be strengthened. In particular, clearer specification of performance measures; closer monitoring of grant commitment (individually and in total); and enhancements to AGD's Data and Workflow Grants System.

Allison Rickett and Sean Brennan

Aboriginal Land Rights (Northern Territory) Amendment Bill 2006: report on parliamentary process

The Gilbert + Tobin Centre of Public Law, 2006

"The *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) was introduced by the Whitlam ALP Government and it was the Fraser Coalition Government that ensured its passage through the Parliament. It is the high water mark in Australian land rights legislation and for much of its history it has enjoyed bipartisan political support. The *Aboriginal Land Rights (Northern Territory) Amendment Bill 2006* introduced some of the most dramatic changes yet proposed to the Act but for the most part they slipped under the radar of media and public scrutiny. Belatedly, the media paid the Bill some attention and activist organisations GetUp and ANTaR ensured a last-minute flurry of lobbying was directed at Coalition Senators by thousands of concerned members of the community...this summary document is designed to provide a factual report on what happened to the Bill in Parliament." (Page 1).

Reforms to improve management of native title rights

Mr Ruddock and Mr Brough have released a report examining the current structures and processes of PBCs, the bodies established to manage native title where it is found to exist. 'PBCs are a key element in the native title system and need to operate effectively so native title holders can utilise their native title rights to gain economic and other benefits, and discharge their obligations regarding management of land,' Mr Ruddock said. Mr Brough said the reforms would provide native title holders with better access to services and 'promote better access to existing resources and enable some reduction in the demands placed on PBCs in performing their functions'.

The Government will implement all of the report's recommendations, which include measures to:

- improve the ability of PBCs to access and utilise existing sources of assistance, including from Native Title Representative Bodies (NTRBs)
- improve the information available to PBCs on their statutory roles and responsibilities
- authorise PBCs to recover costs reasonably incurred in performing specific functions at the request of third parties
- encourage greater State and Territory government involvement in addressing PBC needs
- improve the flexibility of the PBC governance regime while protecting native title rights and interests, and
- clarify the circumstances under which NTRBs may assist PBCs.

The recommendations, which were developed following targeted consultation with key stakeholders, comprise a significant element of the Government's package of reforms to ensure the native title system delivers better and more expeditious outcomes.

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Case notes

Jango v Northern Territory of Australia

Australian Indigenous Law Reporter (2006) Vol 10 No 2 pp 23-40

Native title - application seeking determination of compensation claim for extinguishment of native title over Town of Yulara (Application Area) - whether native title rights and interests extinguished by construction of public works ('compensation acts') - whether applicants established native title rights and interests existed over Application Area at time compensation acts occurred - whether evidence indicated pleaded laws and customs were those of Western Desert Bloc - consideration of discriminatory effect of Crown grants - particular native title interests not established - application dismissed - *Native Title Act 1993* (Cth) - *Validation (Native Title) Act* (NT) - s 10(1) *Racial Discrimination Act 1975* (Cth).

Rubibi Community v State of Western Australia (No 7)

Australian Indigenous Law Reporter (2006) Vol 10 No 2 pp 43-54

Native title - extinguishment - the nature of a native title right to exclusive possession - criteria for membership of a native title claim group - effect on native title of freehold grants which are impermissible future acts - whether licenses granted under the *Lands Act 1933* (WA) extinguish native title - whether special leases granted under the *Land Act 1898* (WA) extinguish native title - whether mining leases under the *Mining Act 1978* (WA) extinguish native title - interpretation of *Native Title Act 1993* (Cth) ss 47A and 47B - criteria for determining when land is 'occupied' under ss 47A and 47B - whether associations incorporated under the *Aboriginal Councils and Associations Act 1976* (Cth) hold their land expressly for the benefit of Aboriginal peoples - whether visits to and use of land by claim group members as and when they choose to do so constitutes occupation for the purposes of ss 47A and 47B - consideration of the principles that are to apply in determining whether works are public works that extinguish native title.

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Journal Articles

Marshall McKenna

A note on the Native Title Claims Resolution Review and the government response to it

Native Title News (2006) Vol 7 Iss 10 pp 180-181

The Government response to the Native Title Claims Resolution Review by Graham Hiley and Ken Levy, was published on 21 August 2006. This article lists and briefly discusses the key recommendations of this review that have been accepted by the government, as well as those that were not accepted or which the government has identified that it will give further consideration.

Aboriginal Land Rights (Northern Territory) Amendment Bill 2006 (Cth)

Australian Indigenous Law Reporter (2006) Vol 10 No 2 pp 70-73

Article detailing some of the concerns raised by the Northern Land Council regarding the recent *Aboriginal Land Rights (Northern Territory) Amendment Bill 2006* (Cth).

Addressing Aboriginal land rights in Ontario: an analysis of past policies and options for the future----

Part II

Queens Law Journal (2006) Vol. 31 No. 2 pp. 796-845

"Part I of this paper, which appeared in volume 31, no. 1 of the Queen's Law Journal described the nature and legal basis of aboriginal land claims in Ontario, historic barriers to their resolution, and the present status of claims in the province. In Part II, the author outlines the development and operation of the aboriginal land claims processes at the federal and provincial level and their inadequacy in reaching timely and cost effective solutions. He discusses past efforts to remedy the system failings, and suggests that a number of systemic disincentives may be at the core of the government's resistance to change. Alternative approaches that offer practical solutions for improving the claims resolution process are identified. The author argues that an effective land claims process should satisfy five criteria: (i) it should be timely, (ii) it should be fair and should be seen to be fair by all parties, (iii) it should be designed to strengthen the relationship of the parties, (iv) the division of constitutional responsibilities should not delay settlements or valid claims against the Crown, and (v) claims processes should address the interests of the public. While reforms to the aboriginal claims process will require substantial investment, the author concludes that continued deferral of the adjudication of claims will also have high costs in both financial and human terms." (Abstract)

Thomas Isaac and Anthony Knox

Canadian Aboriginal law: creating certainty in resource development

Journal of Energy & Natural Resources Law (2005) Vol. 23 No. 4 .pp. 427-464

"This paper discusses legal developments relating to the relationship between Canadian governments and Canada's Aboriginal peoples regarding certainty of access to natural resources. Canadian Aboriginal law has undergone a complete evolution in the 23 years since Canada's Constitution was amended to recognise the then vague concept of 'existing Aboriginal and treaty rights'. What is notable is the influence of the common law and Canadian administrative law in developing the new doctrines of the Crown's duty to consult and, where appropriate, accommodate Aboriginal peoples. The honour of the Crown and reconciliation have moved Canadian Aboriginal law from a comfortless uncertainty to a legal certainty in which Canadian governments continue to manage natural resources, but do so subject to fair treatment of Aboriginal peoples." (Abstract)

Bruce Harvey and Simon Nish

Rio Tinto and Indigenous community agreement making in Australia

Journal of Energy & Natural Resources Law (2005) Vol. 23 No. 4 .pp. 499-510

"The common law and statutory recognition of Aboriginal land rights and native title in Australia have had a profound impact on the minerals industry. In particular, the High Court's recognition of native title in *Mabo v Queensland (No 2)* has changed the social landscape for mining company/indigenous agreement making in Australia. At the same time Rio Tinto has undertaken a programme of internal cultural change focused on improving community engagement exemplified in its direct agreement-making with indigenous communities. The Argyle Participation Agreement signed in September 2004 between Argyle Diamond Mine, local Aboriginal people and the Kimberley Land Council, and registered as an Indigenous Land Use Agreement in March 2005, illustrates this change.

The agreement herein described, is the most progressive, mining company/Aboriginal community agreement negotiated to date in Australia and represents a business-oriented and community empowered approach that complements statutory consent for mining development." (Abstract)

Judge Antonie Gildenhuys

Indigenous People's rights to minerals and the mining industry: current developments in South Africa from a national and international perspective

Journal of Energy & Natural Resources Law (2005) Vol. 23 No. 4 .pp. 465-481

"The recognition and protection of the customary law rights of indigenous occupiers of land have achieved great importance in recent years, and can significantly affect development projects envisaged for the land. There is a distinct difference between the recognition of customary law title in countries where the indigenous population constitutes a small minority within the total population and in countries (particularly African countries) where it constitutes a vast majority. In post-colonial Africa the focus is not so much on the recognition of customary law title as it is on providing access to land and natural resources to local (mostly black) people, as distinct from the immigrant population (mostly white people). Indigenous customary law rights over land can co-exist with civil law rights over the same land, and need not vest in the same persons. Developers of projects on such land will have to accommodate both customary law and civil law title holders over the land." (Abstract)

Indigenous peoples, energy and environmental justice: the Panguel/Ralco hydroelectric project in Chile's

Alto BíoBío

Journal of Energy & Natural Resources Law (2005) Vol. 23 No. 4 .pp. 511-528

"In recent months, the reservoir of the Ralco dam, one of a series of dams along the Alto BíoBío River in Southern Chile, has destroyed a pristine mountain ecosystem and permanently and irreversibly disrupted the semi-nomadic lifestyle and world view of the Mapuche/Pehuenche people. At the same time, the communities affected by the dam will attempt to reconstruct their lives and culture using resources and rights provided by a 'friendly settlement' reached by them with the Chilean Government and approved by the Inter-American Human Rights Commission (IACHR). This is the aftermath of a decade long struggle by indigenous communities and environmental groups in defence of their rights against the project sponsor Endesa (a formerly public but now privatised company), the Chilean Government and the World Bank's International Finance Corporation (IFC)." (Abstract)

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

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Discussion Papers

[Access To Aboriginal Land Under The Northern Territory Aboriginal Land Rights Act - Time For Change?](#)

October 2006

The purpose of this discussion paper is to examine options for an improved system of access to Aboriginal land under the ALRA and related legislation that both respects the integrity of Aboriginal land and facilitates the normal interactions necessary for social and economic development. Comment is invited from interested parties on these and any other options for addressing the problems identified with current arrangements.

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

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On-line Publications

National Native Title Tribunal

[Talking native title: news from the National Native Title Tribunal](#)

Issue 20. September 2006

Perth: National Native Title Tribunal, 2006

Contents:

- More agreements, better system
- From the President Graeme Neate
- Gold Course agreement tees off -- Landmark struggle for recognition ends
- Blueprint for comanagement
- Hope and prosperity for the future
- Northern Territory industry guide
- Native title exists in Timber Creek
- Native title and land rights are different
- Youth gain skills caring for country
- Waterhole celebration closes ten-year journey
- Explorers use regional agreements to fast track licences -- Native title statistics

[Talking native title in South Australia](#)

Contents:

- Adnyamathanha #1
- Adnyamathanha #2
- Antakirinja Matu-Yankunytjatjara
- Arabunna – Barngarla
- De Rose Hill
- Dieri -- Eringa #1
- Eringa #2
- Far West Coast
- First Peoples of the River Murray and Mallee Region
- Gawler Ranges
- Irrwanyere Mt Dare
- Kurna
- Kokatha
- Kuyani-Wilyaru
- Narungga
- Nauo-Barngarla
- Ngadjuri
- Ngarrindjeri

- Nukunu
- South-East
- Wangkangurru/Yarluyandi
- Wirangu #2
- Yandruwandha/Yawarrawarrka
- Yankunytjatjara/Antakirinja

[Talking native title in Western Australia](#)

Contents:

- Future act activity
- What's happening in the regions?
- South West and Goldfields
- Kimberley and Central Desert
- Pilbara and Geraldton
- Notification
- Legal workshops
- Contacts in the WA Registry

[Hot Spots](#)

Issue 21 of Native Title Hot Spots includes summaries of cases about:

- The interim decision in relation to the Single Noongar application covering parts of Perth
- The determination that native title exists at Timber Creek in the Northern Territory
- The Yankunytjatjara/Antakirinja determination by consent in South Australia
- Federal Court decisions about matters such as the registration of an ILUA, disposition of split proceedings and the application of the registration test
- A National Native Title Tribunal decision in relation to the validity of a future act notice.

[What's new in the Library](#)

This issue details new items in the NNTT Library.

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

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Upcoming Events

Conferences

Native Title and cultural heritage

When: 28 – 30
November 2006

Where: Carlton Crest
Hotel, King George
Square, Cnr Ann & Roma
Streets, Brisbane

The Native Title and Cultural Heritage Conference organised by the Institute for International Research will explore current issues in managing native title and resources with the interests of traditional owners. Some of the presenters include:

- Daniel O'Dea, *Fulltime Member*, National Native Title Tribunal
- Iain Anderson, *Legal Services and Native Title Division*, Attorney-General's Department
- David Rose, *Managing Director*, Argyle Diamonds
- Christine Charles, *Director, Environment and Social Responsibility*, Newmont Australia
- Anne-Sophie Deleflie, *Assistant Director*, Social Policy, Minerals Council of Australia
- Di Hawgood, *Queensland State Manager*, Federal Office of Indigenous Policy Coordination
- Craig Jones, *Principal Adviser - Indigenous Affairs*, Santos
- Warren Mundine, *Chief Executive Officer*, NSW Native Title Service
- Joe Proctor, *Corporate Advisor*, Carnegie Wiley & Company
- Paul Travers, *Director, Cultural Heritage Co-ordination Unit*, Qld Department of Natural Resources, Mines and Water
- Mike Rowland, *Principal Archaeologist*, Qld Department of Natural Resources, Mines and Water
- Donovan Jenkins, *Tjurabalan man*
- Ken Jagger, *Partner*, Freehills Lawyers
- Ade Kukoyi, *Principal Advisor*, Turrbal People
- Senior Representative, Ensham Resources
- Simon Hawkins, *Executive Director*, Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation
- Valerie Cummins, *Chief Executive Officer*, Central Queensland Land Council Aboriginal Corporation
- Cecilia O'Brien, *Principal Legal Officer*, Central Queensland Land Council Aboriginal Corporation
- Tony Shelley, *Northern Territory State Manager*, National Native Title Tribunal
- Graham Carter, *Native Title Consultant*, Clayton Utz
- Rev. Djiniyini Gondarra, *Traditional Land Owner/Consultant/Cross-cultural Mediator/Interpreter*
- Paul Woodland, *Former Indigenous and State Govt Affairs Manager*, Santos
- John Toshie Kris, *Chair*, Torres Strait Regional Authority (TSRA)
- David Saylor, *Principal Legal Officer*, TSRA Native Title Office

The Oral, The Written, and Other Verbal Media: Interfaces and Audiences": A Conference and Festival

Where: University of Saskatchewan, Saskatoon, Saskatchewan, Canada

The organizers of the first international, interdisciplinary, cross-cultural, and trans-historical conference and festival focusing on the interface of the oral and the written invite proposals for participation.

Contact: Professor Susan Gingell Professor Neal Mcleod
Department of English Department of Indigenous Studies
University of Saskatchewan First People's House of Learning
Saskatoon, SK Canada S7N 5A5 Peter Gzowski College
sag178@mail.usask.ca Enweying Building
1600 West Bank Drive
Peterborough, ON K9J 7B8
nealmcleod@trentu.ca

"Language of Poetry and Song" Australian Linguistics Society Conference 2007

When: 26-28 September 2007

Where: University of Adelaide

The "Language of poetry and song" is a one-day cross-disciplinary workshop at the Australian Linguistics Society Annual Conference.

The workshop is an opportunity for researchers working on either recent or traditional musical genres within linguistics, ethnomusicology or/and anthropology to explore linguistic features of song/poetry with others working in this field.

Papers should address issues such as

- How do musical form and linguistic form interact?
- Are there restrictions on the types of grammatical and morphological structures found in song/poetry?
- Can words be shortened or extended to fit song metre?
- What sorts of special vocabulary do they contain? If there are 'fillers' what are their metrical purposes?
- How do the intended meanings of song/poetry differ, or go beyond, the meanings in speech?
- How do the meanings and broader significances of song/poetry relate to the local social context?

Papers addressing other issues relating to the language of song or poetry are also welcome. Presentations should be 20 minutes long with 10 minutes for questions.

Abstracts must not be longer than 300 words and be submitted by March 16th, 2007 in word or PDF format to christina.eira@adelaide.edu.au

Cosmopolitanisms and Indigeneities

When: 8-11 s May 2007

Where: Toronto,

The Department of Anthropology at the University of Toronto is organizing a joint conference of the Canadian Anthropology Society (CASCA) and the American Ethnographic Society (AES).

The "indigenous" and the "cosmopolitan" seem to exist as oppositional formations in the imaginary field demarcated by the local and the global. While the former seems rooted, timeless, and traditional; the latter appears mobile, contemporary, and (post)modern. As recent work by anthropologists has shown, both of these characterizations are quite deceptive. "Indigeneity" is a deeply current issue, which, over the past decade, has relentlessly forced itself onto social, political and academic agendas across the planet. While the question of who is and who is not "indigenous" was never innocent, it is becoming increasingly crucial in today's global and globalising world. At the same time, the genealogy of the "cosmopolitan" has been moved back in time. It now appears as a quasi-primordial reference point for a social and political vision beyond the nation-state and empire.

Seminars

[Norman B Tindale Memorial Lecture](#)

2006 Norman B Tindale Memorial Lecture

When: 02 Dec 2006
(04:00 PM to 05:30 PM)

To commemorate the work of the South Australian anthropologist, Norman Tindale, the Anthropological Society of South Australia presents an annual lecture on a topic relating to Australian Aboriginal anthropology or archaeology.

Where: South Australian Museum Armoury Building

Presented by:
Professor Peter Sutton (Research Fellow University of Adelaide & South Australian Museum)
"Norman Tindale and Native Title: His Appearance in the Yulara Case"

For catering purposes please RSVP by Tuesday 28 November to Kim McCaul: mccaul.kim@agd.sa.gov.au or 04370 63336

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Opportunities

NTRU Call for Publications

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

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

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

[Australian Institute of Aboriginal and Torres Strait Islander Studies Research Grants 2007](#)

The Australian Institute of Aboriginal and Torres Strait Islander Studies is calling for applications for research grants. Research can be conducted on topics including history, politics, law, public policy, health, education, linguistics, social anthropology, archaeology and the arts.

Applications close: 15 December 2006

Applications with an emphasis on Indigenous wellbeing, Indigenous knowledge systems and intellectual property and strengthening community are encouraged.

Contact [the research grants administrator](#) if you require:

- further information about the AIATSIS Research Grants Program
- assistance with completing your Research Grants Program Application Form or
- a hard copy of the Research Grant Application Information Package

[ANU's Master of Applied Anthropology and Participatory Development \(MAAPD\) program](#)

This program is aimed directly at development practitioners including Government, NGO, and consulting company staff who have to grapple with the issues of designing, implementing, monitoring, and evaluating development programs and projects on an everyday basis.

In addition to the core program we have three specialisations: Gender and Development, Indigenous Policy and Conflict and Development all aimed at equipping to better work in particular contexts.

The MAAPD program has a very practical focus, and it increasingly attracts experienced development practitioners to its courses. It also has an added advantage in that the core courses in the general MAAPD and the Gender Specialisations can be taken through distance education, and there are also intensive on campus electives also available.

Contact:

Dr. Patrick Kilby

Coordinator

Master of Applied Anthropology and Participatory Development (MAAPD)

Program

Room G24 A.D. Hope Building

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ACT 0200, Australia

Ph: (612) 61254041

Mobile: 0401 453 216

Fax (612) 61252711

Research Training Opportunities
Tropical Rivers and Coastal Knowledge
Research Hub

The Tropical Rivers and Coastal Knowledge (TRACK) research hub has recently been established with significant funding from the Commonwealth Department of Environment and Heritage, Land and Water Australia, and other research partners.

The TRACK hub brings together over 50 leading tropical river and coastal researchers and managers from 10 agencies across Australia to focus on the sustainability of rivers and catchments from Cape York to Broome. The broad aim is to increase our

understanding of the important natural assets and ecosystem services provided by tropical rivers and coasts, understand the social, economic and environmental implications of development options and identify opportunities to foster genuinely sustainable enterprises in the region.

The partner Universities of the TRACK consortium (Charles Darwin, Griffith and Western Australia) are seeking applications from prospective PhD and research Masters students who are interested in contributing to this program. Co-supervision by researchers in our research agency partners will also be encouraged.

The TRACK hub will be offering PhD top-up stipends (\$6,000 pa) for scholarship holders enrolled at the partner Universities in 2007. Postgraduate students will also receive significant support for field and laboratory research as well as conference travel. The partner Universities offer a range of well-equipped laboratories and a large array of field sampling and camping equipment.

Candidates will need to complete an application for admission and for a scholarship following the process at each partner University, noting their respective closing dates for applications.

Contact:

Professor Stuart Bunn
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Centre of Excellence in NRM
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Dr Michael Douglas
Theme Leader, Aquatic Ecosystems
& Water Resources
Charles Darwin University
Darwin, NT, 0909
Ph: 08 8946 7261
Email: michael.douglas@cdu.edu.au
TMP D030300

Indigenous Law Reporter for Publications

Volume 11, issues 1–4 (2007)

Deadlines:

Vol 11.1 – 23 February 2007

Vol 11.2 – 27 April 2007

Vol 11.3 – 31 August 2007

Vol 11.4 – 30 November 2007

The *Australian Indigenous Law Reporter* is a quarterly DEST-approved publication of the Indigenous Law Centre, which aims to provide access to a broad range of legal information and commentary on issues affecting Indigenous peoples in Australia and around the world.

The *Australian Indigenous Law Reporter* is primarily an academic publication, although its audience also includes Australian and international practitioners, government departments, Indigenous organisations and a range of NGOs.

The publishers are looking for new and different perspectives on issues and debates in Indigenous law including:

- commentary articles,
- case notes and
- introductory notes relating to current Australian and international legislation, policies, inquiries and reports.

Commentary articles should be 5,000–10,000 words in length (including references). Case notes and introductory notes should be approximately 1000–2000 words.

Submissions should be addressed to the Editor, Erin Mackay, and submitted in Word format via email to ailr@unsw.edu.au. Suggestions as to content and general enquiries should be addressed to the Editor and made via email or telephone (02) 9385 1496.

The *Australian Indigenous Law Reporter* uses the style conventions in the [Australian Guide to Legal Citation](#).

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Employment

Role and closing date	Location	Description	Contact
Tenure stream position in Anthropology of Science and Technology 15 Nov 2006	York University	The Department of Anthropology invites applications for a full-time tenure track position at the rank of Assistant Professor to commence July 1, 2007.	Professor Naomi Adelson, Chair Department of Anthropology Faculty of Arts 2054 Vari Hall York University 4700 Keele Street Toronto, Ontario M3J 1P3 Fax: 416.736.5768 E-mail: anthhire@yorku.ca

Associate Lecturer/Lecturer in Humanities/Social Science	Queensland University of Technology	The School of Humanities and Human Services is a multidisciplinary school, distinctive in Australia for its strong vocational focus and commitment to student services. The School is based at QUT's Carseldine campus in Brisbane's northern suburbs and is easily accessible by train and bus. Academic fields covered by the School include Applied Ethics, Asia-Pacific Studies, Australian Studies, Geography, History, Human Services, Indigenous Studies, Languages (based at QUT's Gardens Point campus), Politics and Sociology.	For further clarification about this position, after reading the selection criteria and duty statement, contact Professor Clive Bean on (07) 3138 4512, e-mail: c.bean@qut.edu.au. If you require further information on conditions of employment contact the Human Resources Department on (07) 3138 4147 or e-mail: m.schirmer@qut.edu.au.
20 Nov 2006			
Anthropologist - Kalgoorlie	Kalgoorlie	The Goldfields Land & Sea Council ("GLSC") is the Native Title Representative Body in the Goldfields region of Western Australia, extending south to Esperance and east to Eucla. As such it is responsible for assisting and facilitating native title claims and related matters on behalf of Aboriginal people within the region.	Further information and a detailed job description can be obtained from the GLSC's HR & Office Administrator, Charmaine Fitzpatrick Tel: (08) 9091 1661, Fax (08) 9091 1662, Email: charmaine.fitzpatrick@glc.com.au Written applications should be sent to: The Manager, Legal and Native Title, Goldfields Land & Sea Council, PO Box 10006, Kalgoorlie, WA 6433
21 Nov 2006			
Senior Research Officer (Governance and Technology Systems)	Alice Springs	The appointee will join a nationally recognised research team at CAT, as an integral part of a wider group of researchers associated with the Desert Knowledge Cooperative Research Centre.	Further information is available on our website at www.icat.org.au . Please forward all applications consisting of a resume and covering letter to: Lucy Ayre, PO Box 8044, Alice Springs, NT, 0871 or via e-mail to vacancies@icat.org.au
30 Nov 2006			

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Notifications

Native title applications by current notification of applications

NOTIFICATION CLOSING DATE	APPLICATION NAME	APPLICATION TYPE	DATE FILED	STATE/ TERRITORY	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
1/11/2006	Karnapyrri	CLAIMANT	22/03/2006	WESTERN AUSTRALIA	WC06/3	WAD77/06
15/11/2006	Wiluna #2	CLAIMANT	28/10/2004	WESTERN AUSTRALIA	WC04/7	WAD241/04
29/11/2006	Robert Kingwell	NON-CLAIMANT	28/06/2006	NEW SOUTH WALES	NN06/8	NSD1249/06
29/11/2006	Lorenze, Robert and Ruby Bucton	NON-CLAIMANT	7/07/2006	NEW SOUTH WALES	NN06/9	NSD1314/06
12/12/2006	Puutu Kuntj Kurrama and Pinikura 2	CLAIMANT	1/06/2005	WESTERN AUSTRALIA	WC05/4	WAD126/05
27/12/2006	Barada Barna Kabalbara & Yetimarla People #3	CLAIMANT	21/03/2001	QUEENSLAND	QC01/13	QUD6011/01
27/12/2006	Yuibera People	CLAIMANT	8/07/1998	QUEENSLAND	QC98/37	QUD6223/98
27/12/2006	Yuibera People	COMPENSATION	8/07/1998	QUEENSLAND	QPA98/1	QUD6228/98
10/01/2007	Tennant Creek No.2	CLAIMANT	7/07/2006	NORTHERN TERRITORY	DC06/3	NTD8/06
10/01/2007	Gosford City Council	NON-CLAIMANT	4/08/2006	NEW SOUTH WALES	NN06/10	NSD1482/06
7/02/2007	Anthony Bernard Kelly, MLC, Minister for Lands for the State of NSW as the State Minister under the Native Title Act 1993	NON-CLAIMANT	6/09/2006	NEW SOUTH WALES	NN06/12	NSD1708/06
7/02/2007	Bond Springs	CLAIMANT	28/04/2006	NORTHERN TERRITORY	DC06/2	NTD4/06
7/02/2007	Eraring Energy ABN 31 357	NON-CLAIMANT	4/09/2006	NEW SOUTH WALES	NN06/11	NSD1685/06

[688 069](#)
 21/02/2007 [Deniliquin](#) NON-CLAIMANT 29/09/2006 NEW SOUTH WALES NN06/13 NSD1931/06
[Local](#)
[Aboriginal](#)
[Land Council](#)

(This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/cgi-bin/search/search.pl?col=ntapplications&browse=notifications_current&sorttype=notification_closing_date](http://www.nntt.gov.au/cgi-bin/search/search.pl?col=ntapplications&browse=notifications_current&sorttype=notification_closing_date) accessed 31/10/06)

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Determinations

There were no native title determinations in October 2006. The table below shows the most recent native title determination. Note an interim determination was made in relation to the Single Noongar native title claim was made on 19 September 2006, see [Bennell v State of Western Australia \[2006\] FCA 1243 \(19 September 2006\)](#).

Native title determinations by determination date

SHORT NAME	CASE NAME	DATE	STATE/TERR.	OUTCOME	LEGAL PROCESS
Worimi Local Aboriginal Land Council #3	Hillig as Administrator of Worimi Local Aboriginal Land Council v NSW Native Title Services Ltd [2006] FCA 1184	01/09/2006	NEW SOUTH WALES	NATIVE TITLE DOES NOT EXIST	UNOPPOSED DETERMINATION

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(This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/ntdetermination/bydate_index.html](http://www.nntt.gov.au/ntdetermination/bydate_index.html) accessed 31/10/06.)

Indigenous Land Use Agreements: Registered ILUAs by date

There were no Indigenous Land Use Agreements registered in October 2006. The table below shows the ILUAs most recently registered.

TRIBUNAL FILE NO.	NAME (NNTT HYPERLINK)	TYPE	STATE/TERR.	REGISTRATION DATE	SUBJECT MATTER
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WI2005/003	Ord Final Agreement	AREA AGREEMENT	WESTERN AUSTRALIA	16 /08/2006	DEVELOPMENT
WI2004/006	Telstra Ngaanyatjarra ILUA	BODY CORPORATE AGREEMENT	WESTERN AUSTRALIA	11/08/2006	ACCESS

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(This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/ilua/bydate_index.html](http://www.nntt.gov.au/ilua/bydate_index.html) accessed 31/10/06.)

Future Act Determinations

FUTURE ACT CONSENT DETERMINATIONS BY DETERMINATION DATE

DETERMINATION DATE	NNTT FILE NO.	DECISION/ DETERMINATION	PARTIES
30/10/2006	WF06/77	CONSENT DETERMINATION: FUTURE ACT CAN BE DONE	Yalgoo Minerals Pty Ltd and Tronox Western Australia Pty Ltd (formerly KMCC Western Australia Pty Ltd) (Applicant/grantee party) - and - Martha Borinelli and Others on behalf of the Yued People (WC97/71) (native title party) - and - The State of Western Australia (Government party)
24/10/2006	WF06/44 and WF06/45	CONSENT DETERMINATION: FUTURE ACT CAN BE DONE	Aubrey Lynch and Others on behalf of the Wongatha People (WC99/1) (Wongatha native title party) - and - The State of Western Australia (Government party) - and - Peter Romeo Gianni (grantee party)
24/10/2006	WF06/43	CONSENT DETERMINATION: FUTURE ACT CAN BE DONE	Cyril Barnes and Others on behalf of the Central East Goldfields People (WC99/30) (native title party) - and - The State of Western Australia (Government party) - and - Peter Romeo Gianni (grantee party)
24/10/2006	WF06/1	CONSENT DETERMINATION: FUTURE ACT CAN BE DONE	Bunuba People (Bunuba native title party) - and - Gooniyandi People (Gooniyandi native title party) - and - Kurungal People (Kurungal native title party) - and - The State of Western Australia (Government party) - and - Budside Pty Ltd and Pobelo Pty Ltd (grantee party)
20/10/2006	WF06/76	CONSENT DETERMINATION: FUTURE ACT CAN BE DONE	Billy Atkins and Others on behalf of the Gingirana Native Title Claimants (WC06/2) (Native Title Party) - and - The State of Western Australia (Government Party) - and - Diamond Exploration Pty Ltd (Grantee Party)
12/10/2006	WF06/72	FUTURE ACT -	Ollan Dimer and Others on behalf of Ngadju

	and WF06/73	CAN BE DONE	(WC99/2) (native title party) - and - The State of Western Australia (Government party) - and - Mawson West Ltd (WF06/72) Platx Ltd (WF06/73) (grantee parties)
12/10/2006	WF06/74	FUTURE ACT - CAN BE DONE	Ollan Dimer and Others on behalf of Ngadju (WC99/2) (Ngadju native title party) - and - Dorothy Tucker and Thelma Tucker on behalf of the Narnoobinya Family Group (WC97/40) (Narnoobinya native title party) - and - The State of Western Australia (Government party) - and - Fraserx Pty Ltd (grantee party)

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(This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/cgi-bin/search/search.pl?determination_date=2006&col=determinations&sorttype=determination_date&disp=false&list=determination_date&consent=yes](http://www.nntt.gov.au/cgi-bin/search/search.pl?determination_date=2006&col=determinations&sorttype=determination_date&disp=false&list=determination_date&consent=yes) accessed 31/10/06.)

OTHER FUTURE ACT DETERMINATIONS BY DETERMINATION DATE

DETERMINATION DATE	NNTT FILE NO.	DECISION/ DETERMINATION	PARTIES
17/10/2006	WO06/83	OBJECTION - DISMISSED	Victor Barunga & Others on behalf of the Dambimangari Native Title Claimants – (WC99/7) (Native Title party) - and - The State of Western Australia (Government Party) - and - Paramount Mining Corporation Ltd (Grantee Party)
16/10/2006	WO06/129 and WO06/146	OBJECTION - DISMISSED	Judy Hughes and Others on behalf of the Thalanyji People - WC99/45 (native title party) -and- The State of Western Australia (Government party) -and- Brightflow Investments Pty Ltd (grantee party)
16/10/2006	WO06/95 WO06/102 WO06/136 WO06/137 WO06/138 WO06/141 WO06/142 WO06/149 WO06/181 WO06/182	OBJECTION - DISMISSED	Leonne Velickovic on behalf of Widji People – WC98/27 (native title party) -and- The State of Western Australia (Government party) -and- Charles David McCormick (WO06/137) Siberia Mining Corporation (WO06/136) Teakdale Nominees Pty Ltd (WO06/102) Minex Resources Ltd (WO06/138 WO06/141) Natural Intelligence Ltd Yilgarn Gold Ltd (WO06/95) Thomas Peter Vulhop (WO06/142) Navarre Resources Pty Limited (WO06/149) Kenneth John Hodges Rodney Charles Hodges (WO06/181) Ian James Barney (WO06/182) (grantee parties)
12/10/2006	WO03/670	OBJECTION -	Leonne Velickovic on behalf of Widji People

	WO06/227 & WO06/234	DISMISSED	(WC98/27)(Native Title Party) -and- Mark Renard Graichen Steven Bryan Eaton(Grantee Party) Maggie John & Others on behalf of the Malarngowem Native Title Claimant Group (WC99/44)(Native Title Party) -and- Richard Forbes Donald-Hill(Grantee Party) Scotty Birrell and Others on behalf of the Koonjie -Elvire Native Title Claimants (WC99/40)(Native Title Party) -and- Richard Forbes Donald-Hill(Grantee Party)
5/10/2006	WO03/925	OBJECTION - EXPEDITED PROCEDURE APPLIES	Mark Lockyer Neil Finlay Red Alexander Jean Lockyer Gloria Lockyer on behalf of Kuruma Marthudunera (Native Title Party) - and - The State of Western Australia(Government Party) - and - Mineralogy Pty Ltd (Grantee Party)

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(This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/cgi-
bin/search/search.pl?determination_date=2006&col=determinations&sorttype=determination_date&disp=false&list=determinati
on_date&consent=no](http://www.nntt.gov.au/cgi-bin/search/search.pl?determination_date=2006&col=determinations&sorttype=determination_date&disp=false&list=determinati
on_date&consent=no) accessed 31/10/06.)

What's New is intended as an information resource and includes material produced by people involved in native title research and practice. Views expressed in the contributions are those of the authors and do not necessarily reflect the views of the Australian Institute of Aboriginal and Torres Strait Islander Studies. Information contained in *What's New* should not be relied upon in the preparation of claims. AIATSIS acknowledges the funding support of the Office of Indigenous Policy Coordination (OIPC) - Native Title and Land Rights Centre.

