What's New - November 2011

1. WIN A FREE REGISTRATION TO THE 2012 NATIVE TITLE CONFERENCE!

Just take 5 minutes to complete our publications survey and you will be in the draw to win a free registration to the 2012 Native Title Conference. Those who have already completed the survey will be automatically included. If you have any questions or concerns, please contact Matthew O'Rourke at the Native Title Research Unit on (02) 6246 1158 or morourke@aiatsis.gov.au.

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2. Cases

***Delaney on behalf of the Quandamooka People v State of Queensland* [2011] FCA 741**
4 July 2011
Federal Court of Australia, Stradbroke Island QLD
Dowsett J

This judgment recognises, by consent, the native title of the Quandamooka people over land and waters at Stradbroke Island in Queensland.

Dowsett J outlined the legal principles, the historical background, the anthropological research and the evidence of claimant witnesses. His Honour found that the Quandamooka people are descended from a society of Aboriginal people who were in occupation of the land and waters of the determination area at the time of first assertion of British sovereignty. Those people formed a society, united in and by their acknowledgment and observance of traditional laws and customs. Through the observance of these traditional laws and customs, the Quandamooka people have maintained a connection with the determination area.

The determination recognises exclusive rights to possession, occupation, use and enjoyment of some areas. In other areas, the claimants have non-exclusive rights to live and be present on the area; take, use, share and exchange traditional natural resources for personal, domestic and non-commercial communal purposes; conduct burial rites; conduct ceremonies; teach on the area about the physical and spiritual attributes of the area; maintain and protect significant places; light fires for domestic purposes; be accompanied into the area by non-Quandamooka people required by traditional law and custom for the performance of ceremonies or cultural activities, or required by the Quandamooka people to assist in observing or recording traditional activities on the area. In other areas, more limited non-exclusive rights were recognised. In relation to water, the claimants were recognised as having the right to take and use traditional natural resources from the water for personal, domestic and non-commercial communal purposes; and to take and use the water for personal, domestic and non-commercial communal purposes. The rights and interests were recognised subject to certain other rights and interests of other parties.

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Dowsett J concluded the judgment with the following words:

> I have not come here today to give anything to the Quandamooka people. These orders give them nothing. Rather, I come on behalf of all Australian people to recognize their existing rights and interests, which rights and interests have their roots in times before 1788, only some of which have survived European settlement. Those surviving rights and interests I now acknowledge. In so doing I bind all people for all time. …
>
> I congratulate the Quandamooka people upon their achievements today. I do so on behalf of all Australian people, but particularly on behalf of the Judges of this Court and our staff. We know that the years since first European settlement have not been kind to you and to those who have gone before you. There has been much sadness for which the belated recognition of ancient rights offers little compensation. Nonetheless we hope that with this step today, you will have a firm basis for a brighter future in which we hope to help rather than hinder, and in which we hope to share.

***Wonga on behalf of the Wanyurr Majay People v State of Queensland* [2011] FCA 1055**
31 August 2011
Federal Court of Australia, Babinda QLD
Dowsett J

This is a consent determination in favour of the Wanurr Majay people over areas of land around Mount Bellenden Ker in North Queensland.

Dowsett J set out the legal principles governing consent determinations before outlining the anthropological material that established the relationship of the claimant group to its broader cultural context. The Wanyurr Majay people form a separate group within the broader Yidinji language bloc, which itself is part of the larger Yidinyji/Gungganyji/Djabugay rainforest peoples. Groupings, such as clans or families, exercise rights and interests in specific tracts of land at a level below these recognised groupings, as a consequence of the recognition afforded to those rights by the body of laws and customs held in common by a broader community of native title holders. His Honour referred to evidence from claim group members describing the interrelation of these groupings, and their relationship to country.

Dowsett J went through the historical material and was satisfied that the Wanyurr Majay People were a normative society at the time of assertion of British sovereignty. Through the continued acknowledgement and observance of their traditional laws and customs they have maintained a connection with the claim area. His Honour was satisfied that it was within the power of the Court to make the orders sought and that those orders could appropriately be made without a trial.

The determination recognised non-exclusive rights to access; camp; hunt, fish and gather; take, use, share and exchange natural resources from the area for personal, domestic and non-commercial communal purposes; light fires for domestic purposes; conduct ceremonies; teach; maintain and protect significant sites. In relation to water, the claimants have the non-exclusive rights to hunt and fish in or on, and gather from, the water for personal, domestic and non-commercial communal purposes; and take and use the water for personal, domestic and non-commercial communal purposes. These rights were subject to a number of qualifications and the rights of other parties.

***Hart on behalf of the Djiru People 2 v State of Queensland* [2011] FCA 1056**
1 September 2011
Federal Court of Australia, Mission Beach QLD
Dowsett J

In this judgment the Court made orders by consent recognising the Djiru people's exclusive and non-exclusive native title rights and interests in areas around El Arish and Mission Beach in northern Queensland.

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Dowsett J set out the principles governing the making of consent determinations, noting that the Court must be satisfied that the proposed orders are within the Court's power and that it is appropriate to make the orders. His Honour noted that in some circumstances the Court may decline to act on facts agreed between the parties, especially because the determination may affect the interests of persons who are not party to the application. In this case, there was no reason to depart from the parties' consensual resolution of the issues: all parties had the benefit of appropriate legal advice and representation, the proceedings had been on foot for eight years and had been appropriately publicised, and the government parties had acted as suitable guardians of the public interest.

Dowsett J summarised some of the archaeological and anthropological evidence supporting the claim, stating that Aboriginal people had occupied the rainforest area for at least 5,100 years and used and occupied the off-shore islands for the last 1,700 years. The coastal flood plain has been occupied and exploited for the last 2,000 years, and the Aboriginal occupation of upland rainforest areas dates from about 700 year ago. The Djiru people demonstrated, through extensive anthropological research, their unbroken physical connection to their country since first contact with European explorers and settlers, and their continuous acknowledgement and observance of traditional laws and customs.

The exclusive rights and interests were defined in the determination as the rights to possession, occupation, use and enjoyment, to the exclusion of all others, although in some areas those rights are subject to other rights and interests of public agencies, utilities, Indigenous land use agreement (ILUA) partners, and the general public.

The non-exclusive rights included access; camping; hunting, fishing and gathering for personal, domestic and non-commercial communal purposes; taking and using natural resources including water for personal, domestic and non-commercial communal purposes; exchanging and sharing non-water resources; conducting ceremonies; burial; maintenance of significant sites; teaching; lighting fires for cooking but not for hunting or clearing vegetation.

The determination recognised rights below the high water mark, and rights in relation to waters.

Dowsett J acknowledged that only some of those traditional rights and interests have survived European settlement, and said:

> We know that the history of the Djiru people since European settlement has been hard. There was substantial dislocation by removals, both before and after the 1918 cyclone. We hope that in what we do today, we will assist the Djiru people to enjoy a better future in which we hope to share.

***Hazelbane on behalf of the Warai and Kungarakany Groups v Northern Territory of Australia* [2011] FCA 1186**
19 October 2011
Federal Court of Australia, Darwin NT
Mansfield J

In this matter, three separate claims exist over a single area of land. One of the applicants sought leave from the Court to discontinue their claim, because funding was not available for legal representation and the applicant considered that they could not properly present their case. Leave to discontinue was granted on the condition that the claim group not be allowed to make a new application, or to join as a respondent to the other two claims, without the Court's leave.

Three native title applications had been made over an area around the town of Batchelor in Northern Territory – the Hazelbane application, the Petherick application and the Devereaux application. Negotiations between the Northern Territory, the Hazelbane applicants and the Petherick applicants, had been progressing towards a resolution of those two claims. The Devereaux applicants declined to participate in those discussions, and the matter was at a stalemate. The Court ordered a separate trial on the issue of whether the Devereaux applicants represented a native title claim group with native title rights and interests in the claim area.

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During the trial the Devereaux applicants sought an adjournment to obtain legal representation and to gather further evidence. When the hearing resumed, the Devereaux claimants indicated through their legal representative that they wished to discontinue their claim because they were unable to obtain funding for ongoing legal assistance and felt unable to present their claim properly without legal assistance. They indicated that they still intend to be respondents to the Hazelbane and Petherick applications, in order to maintain their resistance to those two claims.

Mansfield J, on the suggestion of the Northern Territory and the other two applicants, decided to allow the Devereaux applicants to discontinue on two conditions:

- that the Devereaux claimants not be allowed to start a fresh native title application over the Batchelor area without the leave of the Court; and
- that they not be allowed to act as respondent in the other two applications for the purpose of asserting rights and interests inconsistent with those claimed in the other applications, without the leave of the Court.

It was understood that the Court would not grant leave for the Devereaux claimants to recommence their claim unless they could present new and cogent anthropological evidence in support of their claim.

These conditions were considered necessary to prevent the disagreement between the Devereaux claimants and the other claimants from continuing to hinder a negotiated resolution. This does not exclude the Devereaux claimants from negotiations between the other parties – they may participate in discussions with a view to ensuring that their interests are reflected in an ultimate agreement. Mansfield J stated that his decision in this judgment did not reflect any view about the strength or weakness of any of the claims – there had simply been no adjudication on that question. Allowing the discontinuance of the Devereaux claim was considered the better alternative to proceeding to a trial in circumstances where the applicants considered themselves unable to present their case properly. And the conditions attached to the discontinuance were regarded as necessary to allow the ultimate resolution of the outstanding claims.

***Tucker on behalf of the Narnoobinya Family Group v Western Australia* [2011] FCA 1232**
31 October 2011
Federal Court of Australia, Sydney NSW
Marshall J

This judgment deals with an application to amend the points of claim in a native title application. The amendment was refused because it would serve no useful purpose, as the claim would be invalid anyway because it was not properly authorised by the entire claim group.

Two claims had been filed with substantially overlapping claim areas. One claim is called the Ngadju claim and the other the Narnoobinya claim. On 29 January 2010, the Narnoobinya applicant filed her points of claim. Relevantly, those points of claim include the following statements:

- The Narnoobinya group is one of the family groups that make up the Ngadju people, **or** is *part* of one of the family groups that make up the Ngadju people, namely the Dimer family.
- Native title in the claim area is held in common by the Ngadju people, which includes the Narnoobinya group; or alternatively group rights are held by the Narnoobinya group and others as members of the Dimer family group; or alternatively group rights are held by the Narnoobinya group as members of the broader Ngadju society.

The Goldfields Land and Sea Council (GLSC), on behalf of the Ngadju applicants, applied for the dismissal of the Narnoobinya claim. The day before the dismissal hearing, the Narnoobinya applicant proposed amended points of claim. At the hearing it became apparent that if the amendment were not allowed, then the Narnoobinya claim would be dismissed on the grounds that there would be no serious issue to be tried.

The proposed amended points of claim state that:

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- The members of the Narnoobinya group are all descendants of Anna Whitehand, one of the members of the 'original society' being 'the Ngadju peoples'.
- Anna Whitehand was a member of the family group that held the native title rights and interests:
    - to the exclusion of all others in one part of the claim area, and
    - together with other members and family groups of the original society in the remainder of the claim area, subject to the rights of particular family groups to particular areas.

In the proposed amended points of claim, the Narnoobinya group claims exclusive native title in one part of the claim area, and in the other part of the claim area claims native title 'together with other Ngadju peoples' in the remaining area, subject to the rights and interests of particular family groups in particular areas.

The Narnoobinya applicant filed an affidavit in support of the proposed amendment, stating:

- She was 'not in a clear frame of mind' when she signed the original points of claim, on account of the death of her husband six weeks earlier.
- When she re-read the points of claim in November 2010 she realised they were inaccurate.
- She drew the inaccuracies to the attention of other members of the claim group, who had not seen the original points of claim and who agreed with her views about inaccuracies.
- She then instructed her solicitor to prepare the proposed amended points of claim.

GLSC objected that the amendments withdraw important admissions relating to the Ngadju claim, admissions that the Ngadju claimants had relied on in resolving to recognise the Narnoobinya claimants as members of the Ngadju Dimer family. It argued that the Narnoobinya applicant had made no satisfactory explanation for why the admissions had been made or for the delay in withdrawing them. It said that the Ngadju claimants would suffer significant prejudice if the amendments were allowed.

In addition to these objections, GLSC argued that the amendments would be futile because the Narnoobinya claim would still be invalid for failure to comply with the authorisation requirements of s 61 *Native Title Act 1993* (Cth). Marshall J agreed with this argument:

- Section 61 requires that a claim be made and authorised by all of the persons who, according to their traditional laws and customs, had the common or group rights and interests over the area claimed.
- This means that a sub-group cannot bring a claim in its own right, unless under traditional law and custom the sub-group possess exclusive rights and interests in its own right. In that case, it is properly regarded as a claim group rather than a sub-group.
- The Narnoobinya claim, if amended as proposed, would purport to cover areas in which other Ngadju persons are admitted to have rights and interests. Those other persons had not authorised the making of the Narnoobinya claim, meaning that the application did not comply with s 61.

Marshall J considered that the Narnoobinya application could be amended to limit the claim area to those areas which are claimed as exclusive Narnoobinya land. This would not save the application, however: even in that amended form, the application would not have been authorised by all of the persons comprising the Narnoobinya claim group. A brother of the Narnoobinya applicant, who was caught by the definition of the Narnoobinya claim group as set out in the proposed amended points of claim, had apparently not authorised the amendments. The Narnoobinya applicant argued that her brother is no longer part of the group, but Marshall J held that it is not open to the claim group to self-define: the group is defined by traditional law and custom.

Further, his Honour held that the claim of exclusivity was bound to fail. Under cross examination, the Narnoobinya applicant's sister made it clear that non-Narnoobinya Ngadju persons have rights and interests in the area which is claimed exclusively as Narnoobinya land.

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Marshall J refused the amendments on account of:

- the GLSC's objections about prejudice and the lack of a satisfactory explanation for the earlier admissions and the delay;
- the inclusion of areas that the Narnoobinya applicant admitted were not exclusive of broader Ngadju rights and interests; and
- the failure for the entire Narnoobinya claim group to authorise the amendment.

This decision does not shut out the Narnoobinya group completely: they may have native title rights recognised as part of the broader Ngadju claim, or they may make a fresh application that is properly authorised under s 61.

3. Legislation and Policy

New South Wales

Aboriginal Land Rights Amendment (Housing) Act 2011 No 56

The *Aboriginal Land Rights Amendment (Housing) Act 2011 No 56* was assented on 16 November 2011. The object of this Act is to amend the *Aboriginal Land Rights Act 1983* to facilitate the entering into and management of residential tenancy agreements of less than 3 years, or periodic agreements, by Boards of Local Aboriginal Land Councils where the other parties to the agreements are natural persons.

Further information is available at: http://www.legislation.nsw.gov.au/sessionalview/sessional/act/2011-56.pdf

Queensland

Aboriginal and Torres Strait Islander Land Holding Bill 2011

This Bill repeals the *Aborigines and Torres Strait Islanders (Land Holding) Act 1985* and introduces a new Act with the required tools to finalise leasing matters outstanding under the repealed Act. The Bill aligns the new Act with the *Aboriginal Land Act 1991* and the *Torres Strait Islander Land Act 1991*, now the principal legislation for leasing on Aboriginal and Torres Strait Islander lands, to the extent possible.

The Bill explicitly protects and continues leases and lease entitlements under the repealed Act and provides a number of mechanisms to facilitate resolution of outstanding issues by agreement. The Bill has been referred to a Parliamentary Committee, the Community Affairs Committee, which is required to investigate the Bill and report back to the Parliament by 19 March 2012.

Further information is available at:

http://www.legislation.qld.gov.au/Bills/53PDF/2011/ATSILandHoldB11.pdf

Read more about the Bill in the Explanatory Notes available at:
http://www.legislation.qld.gov.au/Bills/53PDF/2011/ATSILandHoldB11Exp.pdf

Grants for Traditional Owners caring for the Great Barrier Reef

Traditional owners are encouraged to apply for Sea Country Grants of $5,000 to $50,000 to support their environmental initiatives that will improve the resilience of the Great Barrier Reef. Great Barrier Reef Marine Park Authority Chairman Russell Reichelt said a total of $500,000 in grants were available through the Great

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Barrier Reef Marine Park Authority's Sea Country Grants Program. Traditional owner groups from the Great Barrier Reef region will have until **17 February 2012** to apply for the grants.

More information is available at:

http://www.gbrmpa.gov.au/media-room/latest-news/sea-country-partnerships/2011/grants-for-traditional-owners-caring-for-the-great-barrier-reef

4. Indigenous Land Use Agreements

- In November 2011, **6** ILUAs were registered with the National Native Title Tribunal (NNTT). See table below for more details.
- The Native Title Research Unit maintains an ILUA Summary which provides hyperlinks to information on the NNTT and ATNS websites.
- For more information about ILUAs, see the NNTT Website: ILUAs
- Further information about specific ILUAs is available in the Agreements, Treaties and Negotiated Settlements (ATNS) Database.

Date	NNTT File No.	Name	Type	State/Territory	Subject Matter
8/11/2011	WI2011/008	Wickham Motorcross ILUA	BCA	WA	Government Public Community
11/11/2011	QI2011/025	Australia Pacific LNG and Iman People ILUA	AA	QLD	Pipeline
11/11/2011	WI2011/006	Churdy Pool Siding Special Lease ILUA	AA	WA	Tenure resolution
14/11/2011	QI2011/026	Woorabinda Rehabilitation Facility ILUA	AA	QLD	Community
25/11/2011	QI2011/029	Woorabinda Social Housing and Home Ownership ILUA	AA	QLD	Residential
28/11/2011	QI2011/030	Kalkadoon People and Ergon Energy ILUA	AA	QLD	Access Infrastrucure Energy

5. Native Title Determinations

- In November 2011, **1** native title determination was handed down by the Federal Court of Australia. The Native Title Research Unit maintains a Determinations Summary which provides hyperlinks to determination information on the Austlii, NNTT and ATNS websites.
- Also see the NNTT Website: Determinations
- The Agreements, Treaties and Negotiated Settlements (ATNS) Database provides information about native title consent determinations and some litigated determinations.

Date	Short Name	Case Name	State/ Territory	Outcome	Legal Process
18/11/2011	First Peoples of the River Murray & Mallee Region	*Turner v State of South Australia* [2011] FCA 1312	SA	Native title exists in parts of the determination area	Consent Determination

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6. Registered Native Title Bodies Corporate

The Native Title Research Unit maintains a Registered Native Title Bodies Corporate Summary document which provides details about RNTBCs in each state/territory including the RNTBC name, RNTBC type (agent or trustee) and relevant native title determination information. Additional information about the RNTBC can be accessed through hyperlinks to corporation information on the Office of the Registrar of Indigenous Corporations (ORIC) website; case law on the Austlii website; and native title determination information on the NNTT and ATNS websites.

7. Public Notices

The *Native Title Act 1993* (Cth) requires that native title parties and the public must be notified of:

- proposed grants of mining leases and claims;
- proposed grants of exploration tenements;
- proposed addition of excluded land in exploration permits;
- proposed grant of authority to prospect; and
- proposed mineral development licences.

The public notice must occur in both:

- a newspaper that circulates generally throughout the area to which the notification relates
- a relevant special interest publication that:
    - caters mainly or exclusively for the interests of Aboriginal peoples or Torres Strait Islanders;
    - is published at least once a month; and
    - circulates in the geographical area of the proposed activities.

To access the most recent public notices visit the NNTT website or the Koori Mail website.

8. Native Title in the News

The Native Title Research Unit publishes Native Title in the News which contains summaries of newspaper articles relevant to native title.

9. Native Title Publications

Issue papers:

- J Altman, 'Reforming the Native Title Act', CAEPR Topical Issue 10/2011.

In this Topical Issue, Jon Altman seeks to explore the ramifications of the Native Title Act Reform Bill, a private Senator's Bill introduced by Senator Rachel Siewert of the Australian Greens.

The PDF version of this paper is available at:
http://caepr.anu.edu.au/sites/default/files/Publications/topical/TI2011_10_Altman%20NTA.pdf

Journals:

- W Asche and D Trigger, 'Native title research in Australian anthropology' special edition, *Anthropological Forum*, *21* 3: 219-232, 2011.

Abstract
Anthropology's involvement with Australian Indigenous people seeking to obtain legal rights, particularly in the context of the Native Title Act, has been subject to considerable critique both within and outside of the

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academy. The collected papers in this volume provide a constructive case for best approaches in this applied anthropological research, given the apparent constraints of the legal environment and the necessity to retain professional anthropological integrity. Issues of cultural change and identification of the relevant traditional 'law and custom' continuing through time are among a range of matters at the intersection of Australian and Aboriginal customary law. This collection assembles papers that demonstrate the relevance and significance of applied research in this area.

To subscribe, please follow the link: http://www.tandfonline.com/action/pricing?journalCode=canf

Reports:

- Aboriginal and Torres Strait Islander Social Justice Commissioner, *Native Title Report 2011*, Australian Human Rights Commission, 2011.

Under the *Native Title Act 1993* (Cth), the Social Justice Commissioner is required to prepare a *Native Title Report* each year for federal Parliament. Through these reports the Commissioner gives a human rights perspective on native title issues and advocates for practical co-existence between Indigenous and non-Indigenous groups in using land.

The report is available online at: http://www.hreoc.gov.au/social_justice/nt_report/ntreport11/index.html

- Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2011*, Australian Human Rights Commission, 2011.

The Aboriginal and Torres Strait Islander Social Justice Commissioner is required to report annually to the Attorney-General regarding the exercise and enjoyment of human rights by Australia's Indigenous peoples.

The report is available online at: http://www.hreoc.gov.au/social_justice/sj_report/sjreport11/index.html

- The Australian National Audit Office, *Indigenous Protected Areas,* Audit Report No.14 2011–12; Performance Audit, 23 November 2011.

The audit objective was to assess the effectiveness of the Department of Sustainability Environment Water Population and Communities management of the IPA program in relation to the two primary targets of the IPA program under the Caring for our Country initiative (2008–13) which are to:

- expand the contribution of the IPA program to the NRS by between eight and 16 million hectares (an increase of at least 40 per cent), of which 1.8 million hectares are to be in northern and remote Australia; and
- ensure the continued use, support and reinvigoration of traditional ecological knowledge to underpin biodiversity conservation in the Plans of Management of 32 newly initiated projects.

The report is available online at:
http://www.anao.gov.au/~/media/Uploads/Audit%20Reports/2011%2012/201112%20Audit%20Report%20No%2014.pdf

Annual reports:

- South Australia Native Title Services, *Annual Report 2010/2011*.

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The Report is available online at: http://www.nativetitlesa.org/Uploads/Downloads/annual-report-final.pdf

- Goldfields Land and Sea Council Aboriginal Corporation, *Annual Report 2010–2011.*

The Report is available online at: http://www.glsc.com.au/annual-reports

- Central Land Council, *Annual Report 2010/2011.*

The Report is available online at:
http://www.clc.org.au/Media/annualrepts/CLC_annual_report_2010_2011.pdf

Guides:

- National Native Title Tribunal*, Guide to future act decisions made under the Right to negotiate scheme,* compiled by Deputy President of the National Native Title Tribunal the Hon C J Sumner with the assistance of the Legal Services unit, 2011**.**

The guide is available online at: http://www.nntt.gov.au/Future-Acts/Documents/Procedures and Guidelines - Various/Guide_to_future_act_decisions_made_under_the_right_to_negotiate_scheme_as_at_301111.pdf

Conference & seminar papers:

- Centre for Native Title Anthropology (CNTA) Seminar

The audio recording and powerpoint of Debbie Fletcher's CNTA seminar *Passive Resistance in Native Title Claims,* are now available online at the CNTA homepage: http://ippha.anu.edu.au/welcome-centre-native-title-anthropology.

- Native Title Conference 2011, 'Our Country, Our Future', Brisbane Convention & Exhibition Centre, South Bank, Queensland, Australia. 1-3 June 2011

The following papers are available via the AIATSIS Native Title Research Unit website at:
http://www.aiatsis.gov.au/ntru/conferencepapers.html

- Do we have to choose between country and development or can we have both? - Parry Agius
- Heritage and cultural mapping - Michelle Alexander
- Research, evidence, and tenure - Michael Bennett
- My country is my home - Barbara Bond
- Constitutional reform: can it support land justice? - Sean Brennan
- Indigenous carbon markets and standards - Rowan Foley
- Native title as compensable property - Sturt Glacken SC
- Our relationships in native title: Starting the conversation - Mick Gooda
- Breaking down the barriers - Traditional owners engaging in the carbon market - Ariadne Gorring and Justine Twomey
- Don't forget your tenure: Geospatial support for effective agreement-making - Therese Forde and Jeff Harris
- Birthing - Aboriginal Women - Jilpia Jones
- Opportunity and responsibility - Chief Justice Patrick Keane
- Hostage situation? True? Hold native to ransom - Strategies for breaking deadlock - Bill Lawrie
- Yawuru native title holders - A commercial corporate structure for social and economic development - Miriam McDonald

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- Supporting a community of professional practice for native title anthropologists: Lessons from a short history of the 'professionalisation' of Australian anthropology - Pamela McGrath
- Dialogue forum - What is a native title benefit and who should benefit? [PowerPoint presentation] - Michael Neal
- Indigenous rights and participation in carbon markets - Annabelle Nilsson
- Native title research: What more can be done? - James Rose
- Towards equity in native title and joint management of national parks: What harms and what helps? - Dermot Smyth
- Aboriginal corporation joint ventures and exploration - A case study from West Arnhem Land - Adam Thompson
- Woorabinda social housing ILUA - In the shadow of 24JAA - Tim Wishart
- First alternative or second best: Settling without a native title determination - David Yarrow

10. Training and Professional Development Opportunities

Lisa Fox Indigenous Fellowship Program at New York University

A new fully-funded, postgraduate fellowship opportunity is now being administered by the Aurora Project. The Lisa Fox Indigenous Fellowship Program will enable one Aboriginal or Torres Strait Islander postgraduate each year to undertake a Masters (MA) or Doctoral (PhD) program at New York University (NYU), commencing in September 2012. The Fellowship is tenable for up to four years and covers course fees and travel, plus an annual stipend of approximately US$30,000 (A$29,394) for accommodation and living expenses.

In this inaugural year, applicants will be considered in the areas of Arts, Business, Cinema Studies, Education, Film, Interactive Telecommunications, Musical Theater Writing, Nursing, Performance Studies and Science by the following NYU faculties:

- NYU Graduate School of Arts and Science
- NYU Tisch School of the Arts
- NYU Leonard N. Stern School of Business
- NYU College of Nursing
- NYU Steinhardt School of Culture, Education, and Human Development.

Only applicants who have been accepted by a faculty at NYU can be awarded a Lisa Fox Indigenous Fellowship. In most instances, this will require a First Class Honours degree or a strong Second Class Honours degree.

In future years, applicants will need to apply directly to the relevant faculty at NYU for admission to study **and** also to Aurora in order to apply for the Fellowship. In this first year, as applications have closed for most of these faculties, it is only necessary to apply for the Fellowship and Aurora will work with the faculties to gain admission for the successful candidate.

Applications will be open via the Aurora website closing at **5pm AEST on Friday 27 January 2012.**

Before applying, interested candidates should contact the Aurora scholarships team at scholarships@auroraproject.com.au for further information and to discuss faculty selection.

Further information is available at: http://www.auroraproject.com.au/lisafoxfellowship

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New postgraduate course in native title anthropology

During the 2012 Autumn Session the ANU School of Archaeology and Anthropology is offering for the first time an accredited postgraduate course on native title anthropology, *Key Issues in Native Title Anthropology*.

The course, to be delivered as an intensive over five days between **Monday 16th and Friday 20th April 2012**, will examine key conceptual and methodological issues and arguments pertinent to the theory and practice of native title anthropology. Drawing on significant cases, students will examine and critique the definition and application of concepts such as 'society' and 'normative system', 'laws' and 'customs', and 'tradition' and 'continuity' as applied in the intersection of anthropological evidence and legal reasoning. They will also learn about the role of expert witnesses and the role of anthropologists in the post-litigation environment.

The course will be coordinated and delivered by Professor Nic Peterson and Dr Pamela McGrath through the Centre for Native Title Anthropology. In addition, a number of experienced consulting anthropologists and senior legal practitioners will present as guest lecturers.

Who should take this course?
Key Issues in Native Title Anthropology is open to all appropriately qualified individuals, regardless of whether they are currently enrolled in a postgraduate course of study at the ANU. It is designed for those who have developed an interest in the application of anthropology's critical methods and styles to native title issues. It will be of benefit to recent graduates interested in pursuing a career in native title, as well as researchers currently employed in Indigenous organisations, government and industry, or as independent consultants working in the area of native title.

The course is worth 6 academic units and can be taken independently or as an elective as part of the ANU's Graduate Certificate in Anthropology (6034XANTH), Graduate Certificate in Indigenous Policy and Development (6020XINDG), Master of Anthropology (7116XMANTH) or Master of Applied Anthropology and Participatory Development (7101XMAAPD). It is expected that this course will be one of those included in a nationally-distributed graduate certificate in native title which it is anticipated will be established through the University of Adelaide in the near future. Under this scheme, students will be able to combine this course with others offered by collaborating institutions including the University of Adelaide, ANU and University of Queensland towards a recognised post-graduate qualification native title anthropology.

Prerequisites
Participants must hold a Bachelor of Arts (Honours), or hold a Bachelor of Arts and have at least one year's work experience in the area of native title.

For more information, contact CNTA Research Officer Pamela McGrath at pam.mcgrath@anu.edu.au or by phone (02) 61255859 to register your interest prior to commencing formal enrolment.

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