What's New - October 2011

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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

***Weribone on behalf of the Mandandanji People v State of Queensland* [2011] FCA 1169**
6 October 2011
Federal Court of Australia, Brisbane QLD
Logan J
This judgment deals with similar (but not identical) issues to those in *Anderson on behalf of the Wulli Wulli People v State of Queensland* [2011] FCA 1158 (see below). The outcome, however, is the opposite; namely, it was held in this case that the applicants could not validly act by majority.

Six out of the ten named applicants for the Mandandanji native title claim signed a letter terminating the instructions of Queensland South Native Title Services (QSNTS) and directing QSNTS to release their files to their new solicitors, Just Us Lawyers. Unlike the situation in *Anderson* (Wulli Wulli people), the claim group authorisation document in this case did not expressly authorise the applicants to act by majority.

Logan J considered the case law, though mentioned that he did not have the benefit of reading Collier J's decision in *Anderson*. His Honour referred to s 61(2)(c) of the NTA, which specifies that in the case of 'a native title determination application made by a person or persons authorised to make the application by a native title claim group … the person is, or the persons are jointly, the applicant'. His Honour held that this provision played a role in indicating the way in which the persons who comprise the applicant must act: 'They must act "jointly", and "jointly" does not mean by majority'. Where they disagree, a new authorisation meeting under s 66B must be held.

Logan J distinguished this legal question from that of whether a fresh authorisation meeting is required when one of the named applicants dies or expresses an intention no longer to act as applicant. His Honour drew attention to the divergence in the case law on that question, and indicated his preference for the view that where the authority document impliedly authorises the remaining applicants to continue without an additional authorisation meeting, then no such meeting is necessary.

Logan J does not explicitly state how he would have decided the matter if there had been, as there was in *Anderson*, a condition of the claim group's authorisation of the applicants which purported to allow majority decision-making. It is by no means clear, however, that his interpretation of s 61(2)(c) would lead him to

come to the same conclusion as Collier J did, should similar facts come before him. Therefore, there appears to be a divergence in the case law on this issue that will require an appeal to the Full Court to resolve.

***Anderson on behalf of the Wulli Wulli People v State of Queensland* [2011] FCA 1158**
11 October 2011
Federal Court of Australia, Brisbane QLD
Collier J
This judgment deals with the question of whether all of the named applicants in a native title application must unanimously agree on decisions in the conduct of the claim, or whether a majority decision is enough. In this case, where the claim group had specifically authorised the applicants to act by majority, the decision to engage a new solicitor did not require unanimous agreement among the named applicants.

The Wulli Wulli claim group, in an authorisation meeting in February 2009, resolved to authorise 15 people as applicants in their native title claim. That resolution stated that the authorisation was subject to terms and conditions, one of which specified that 'Decisions of the Applicant shall be on the basis of a majority vote and all Applicants shall abide by a majority decision'.

There was a further authorisation meeting in June 2011 at which the claim group resolved to authorise the applicants to withdraw the instructions for Queensland South Native Title Services (QSNTS) to act for them as solicitors on the record, and to retain Just Us Lawyers (or another firm acceptable to the applicants) instead. Three of the 15 named applicants did not agree with this decision, and in Court they challenged the right of the other 12 to make this decision without the unanimous agreement of all of the applicants.

Collier J found that the decision by 12 of the 15 named applicants to engage new legal representation was valid and effective.

- Previous cases establish that the named applicants are authorised by their claim group *personally*—the authorisation process does not create a new corporate legal entity capable of suing in its own right.
- While s 61(2)(c) of the NTA stipulates that the applicants authorised by the claim group together jointly constitute 'the applicant', there is nothing in the Act that requires that the applicants be granted *joint authority* in the sense of requiring unanimity in decision-making. This is reinforced by the wording of s 61(2).
- Drawing on previous cases, her Honour noted that the purpose of the legislative scheme for authorisation was 'to seek a workable and efficient method of prosecuting claims for native title determination, one which limits the potential for dispute which might stifle the progress of claims'. Interpreting the words of the Act in light of that purpose, her Honour determined that it would be contrary to the legislative intent to require a new authorisation meeting (with the associated expense and inconvenience) every time the named applicants could not agree. By contrast, it would be consistent with the Act's purpose to allow decision-making by majority.
- Critically, her Honour did not consider that the Act should be interpreted so as to remove the autonomy of the claim group itself to stipulate a method for the named applicants to make effective decisions.

Accordingly, since the authorisation of the applicants was made subject to the condition that their decisions would be by majority if unanimous agreement could not be reached, the majority decision to replace QSNTS with new legal representation was effective. Her Honour did not state expressly whether majority decision-making would be effective if the claim group's authorisation resolution had not contained such a condition.

Collier J also noted that the resolution of the claim group in June 2011 was not capable of compelling the applicants to replace their legal representatives. The claim group is not empowered by the Act to control the conduct of the application before the Court—that is up to the applicants, who are at liberty to accept or reject the directions of the claim group (noting that this may nevertheless result in their authority to act as applicants being revoked at a later authorisation meeting).

***Cheedy on behalf of the Yindjibarndi People v State of Western Australia* [2011] FCAFC 100**
11 October 2011
Federal Court of Australia, Perth WA

Gilmour J
In August 2009 the National Native Title Tribunal decided that the State could grant certain mining leases to FMG Pilbara Pty Ltd. Mr Cheedy on behalf of the Yindjibarndi people challenged this decision before McKerracher J in the Federal Court, but his application was dismissed. Mr Cheedy sought to overturn McKerracher J's decision in the Full Court. In this judgment the Full Court rejected Mr Cheedy's appeal, with the result that the Tribunal's decision to allow the leases to be granted remains in place.

Mr Cheedy argued that the grant of the mining leases would interfere with Yindjibarndi people's religious practices around particular sites in the lease area. The Tribunal's decision (which would allow the State government to grant the leases) was made under ss 38 and 39 of the NTA and Mr Cheedy argued that, in making the Tribunal's decision possible, these sections were contrary to s 116 of the Commonwealth Constitution, which prohibits the Commonwealth from making any law 'for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion'.

This argument was unsuccessful for three main reasons:

- Only laws which have the *purpose* of prohibiting the free exercise of religion will contravene s 116—merely having that *effect* will be insufficient. Sections 38 and 39 do not have that purpose—indeed, some provisions of s 39 indicate a concern by the Parliament to protect religious freedom.
- The grant of the lease would not prevent Yindjibarndi people from accessing the relevant sites and materials or using them in ceremony—FMG had demonstrated a willingness to cooperate fully to that end, and four additional conditions were to be imposed on the leases to mitigate the impact of mining in the area. This meant that, as a factual matter, the grant of the licenses would not prevent or prohibit the free exercise of religion by Yindjibarndi people.
- The constitutional prohibition in s 116 applies only to the making of laws by the Commonwealth Parliament—it does not apply to the decision of the Tribunal, or to State legislation, or to actions of the State taken under State legislation.

The Court rejected an argument that the Tribunal's decision should have taken into account Australia's international law obligations such as under the *International Covenant on Civil and Political Rights*. Where there is no ambiguity in the statutory language, where the meaning and parliamentary intention are clear, there is no reason to refer to international documents.

The Court dealt with other errors which Mr Cheedy claimed McKerracher J had made, but found that no error had been made. Accordingly McKerracher J's decision was not overturned, and so the Tribunal's decision to allow the grant of the leases was left in place.

***FMG Pilbara Pty Ltd v Yindjibarndi Aboriginal Corporation* [2011] WAMW 13; *FMG Pilbara Pty Ltd v Yindjibarndi Aboriginal Corporation (No 2)* [2011] WAMW 18**
18 August 2011; 18 October 2011
Warden's Court, Perth WA
Wilson M
In this proceeding, Yindjibarndi Aboriginal Corporation unsuccessfully attempted to prevent the grant of a mining lease and related licenses to FMG Pilbara. The Corporation also unsuccessfully attempted to impose further conditions on the grant of the lease and licenses.

FMG Pilbara applied for a mining lease and miscellaneous licences (for infrastructure related to the mining) on land which lies to the south of the land already recognised as Yindjibarndi native title land. The land of the lease and licences is subject to a native title claim, as yet unresolved. Two other mining leases have been granted in the same area, though their grant has been challenged by the Yindjibarndi people and that challenge is currently under appeal in the Full Court of the Federal Court. The appellant in that appeal applied for the grant of the leases to be suspended until the appeal was decided, but that application was refused.

Yindjibarndi Aboriginal Corporation, the body which holds the Yindjibarndi people's native title rights and interests, objected in the Mining Warden's Court to the grant of the further mining lease and miscellaneous licences on two grounds:

- It would be contrary to the public interest to grant miscellaneous licences for a purpose connected to mining lease applications which are subject to appeal, prior to the final determination of those appeals.
- The grant of the miscellaneous licences will prevent the Yindjibarndi people from freely carrying out their religious observances and exercising religious beliefs and is thus contrary to the public interest.

The Mining Warden rejected the first ground because 'it is not in the public interest, nor is there any lawful reason, why this court should not hear the objections to the applications' for the mining lease and miscellaneous licences. It does not appear that the Warden dealt specifically with the objection that the miscellaneous licences should not be granted while some of the mining leases to which the licences relate are still under appeal.

In respect of the second ground, Yindjibarndi Aboriginal Corporation argued that:

- the exercise of authority by Ned Cheedy and Michael Woodley, in protecting the spiritual welfare of Yindjibarndi people and country, is a religious observance;
- there was a religious requirement that mining not proceed on the land in the absence of an agreement with the Yindjibarndi people based upon reciprocity and respect;
- the grant of the lease and licences without proper agreement between Yindjibarndi people and FMG will deny the right of Yindjibarndi people to enjoy their own culture, to profess and practice their religion;
- Mr Woodley has a spiritual relationship with and responsibility for the part of country that would be affected by the lease and licences;
- the grant of the lease and licences would also prevent Yindjibarndi people from performing ritual observances associated with sites within the relevant areas—the *Aboriginal Heritage Act 1972* (WA) is inadequate to protect the exercise of religious ritual at sites of significance to traditional owners, and is only directed at the preservation of sites on behalf of the broader Western Australian community.

In support of their argument, Yindjibarndi Aboriginal Corporation referred to the rights of religious minorities referred to in the *International Covenant on Civil and Political Rights*.

FMG argued that international law obligations were not relevant to the question of public interest unless specifically incorporated into Australian law. They also argued that the concept of 'religion' was not broad enough to cover the kinds of relationships and authority described by Yindjibarndi Aboriginal Corporation. Further, FMG took issue with the argument that it was the absence of agreement which constituted a breach of religious requirements, rather than the grant of the lease and licences *per se*. This, they argued, would amount to a veto power, something which they considered would be against the public interest.

The Warden held that:

- the argument about Australia's international obligations had been dismissed earlier in a separate proceeding, *Cheedy on behalf of the Yindjibarndi People v State of Western Australia* [2010] FCA 690, and could not succeed here;
- the *Aboriginal Heritage Act* is, contrary to the Yindjibarndi submissions, directed to the protection and preservation of sites of religious or other significance to the traditional owners;
- the statutory framework is not intended to, and does not, create a veto power;
- the statutory framework does not have the purpose of denying Yindjibarndi from freely carrying out their religious observances, and indeed if the lease and licences are granted they will be subject to the NTA and *Aboriginal Heritage Act* whose purpose is to provide the relevant protection;
- FMG has proposed the lease and licences to be subject to conditions that would allow the native title claimants access to the area (subject to safety conditions).

In the first judgment, the Warden expressed an intention to recommend that the Minister grant the lease and licenses, after the parties had had an opportunity to put submissions regarding appropriate conditions to be attached to the lease and licenses. In the second judgment, the Warden rejected three conditions proposed by Yindjibarndi Aboriginal Corporation, which would have required:

- FMG not to disturb any ground in the lease/licence area without first conducting a field survey to ensure that places or objects protected under the *Aboriginal Heritage Act* are not altered, damaged or destroyed;
- FMG to conduct any such survey only with members of the Yindjibarndi people who are nominated by the native title applicants for that area; and
- if a protected place or object is altered, damaged or destroyed, and if the Yindjibarndi native title application over the area is successful, FMG to pay to the prescribed body corporate compensation as agreed, or if no agreement is reached, such compensation as is ordered by the Warden under Part VII of the *Mining Act 1978* (WA).

The Warden considered these proposed conditions to be inappropriate and unnecessary. The Warden imposed other conditions as proposed by FMG, which the Warden found to be appropriate and reasonable.

***QGC Pty Limited v Bygrave* [2011] FCA 1175**
18 October 2011
Federal Court of Australia, Brisbane QLD
Collier J
In this judgment, Collier J refused to join several individuals as parties to a judicial review proceeding.

In July 2010 QGC applied to the Native Title Registrar for the registration of an Indigenous land use agreement (ILUA) between QGC and the Bigambul people's registered native title claimants. In April 2011 Ms Bygrave, a delegate of the Native Title Registrar, refused registration of the ILUA. QGC applied for judicial review of Ms Bygrave's decision. Four individuals (the joinder applicants), who say that they represent the Gomeroi people and that they thereby have an interest in the land subject to the ILUA, applied to be joined as parties to that judicial review application.

Collier J noted that a person cannot be joined as a party unless they have an 'interest' in the application, but that even where a person has an interest, the Court retains a discretion whether or not to join the person as a party. Her Honour found that there would be no utility in the joinder applicants becoming parties to the judicial review application, as their interests are already represented in the proceedings by third and fourth respondents, Mr Bob Weatherall and NTSCorp. The joinder applicants' draft defence was in identical terms to the defence filed by the third and fourth respondents, and they would be relying on the submissions of the third and fourth respondents at the hearing of the judicial review application. Therefore the joinder of the four Gomeroi individuals would add nothing to the proceedings.

In addition, the joinder applicants had waited until a very late stage to seek to join the proceedings, and appeared to raise fresh grievances. Ordinarily there is no reason, in a case involving judicial review, for any evidence to be placed before the court, apart from evidence of what was before the decision-maker at the time of the decision. Finally, in light of the directive in s 37 *Federal Court Act* 1976 (Cth) to resolve litigation as quickly, inexpensively and efficiently as possible, Collier J considered that joining the joinder applications would unnecessarily complicate and delay the judicial review proceedings, and potentially increase the costs of all other parties.

3. Legislation & Policy

Commonwealth:

Native Title Amendment (Reform) Bill 2011

The Native Title Amendment (Reform) Bill 2011 reforms the *Native Title Act 1993* (Cth). The measures in the Bill are reforms that have been promoted for a number of years by relevant stakeholders, most notably in submissions to the Senate Standing Committee on Legal and Constitutional Affairs Inquiry into the Native Title Amendment Bill 2009 and the 2009 *Native Title Report* from the Aboriginal and Torres Strait Islander Social Justice Commissioner.

The reforms in the Bill address two key areas:

- the barriers claimants face in making the case for a determination of native title rights and interests; and
- procedural issues relating to the future act regime

Further information is available at:
http://www.aph.gov.au/senate/committee/legcon_ctte/native_title_three/index.htm

Explanatory Memorandum Wild Rivers (Environmental Management) Bill 2011

This is a Bill for an Act to protect the interests of Aboriginal people in the management, development and use of native title land situated in wild river areas, and for related purposes. A private members Bill, sponsored by Tony Abbott MP, it was introduced into the House of Representatives on 12 September 2011.

Further information is available at: http://www.comlaw.gov.au/Details/C2011B00164

***Indigenous Affairs Legislation Amendment Act 2011* Explanatory Memorandum**

The following Act was assented on 15 September 2011. The Act is to amend the law relating to Aboriginal land rights and the Torres Strait Regional Authority, and for related purposes.

Further information is available at: http://www.comlaw.gov.au/Details/C2011A00097

Native Title (Provision of Financial Assistance) Amendment Guidelines 2011 (No. 1)

Further information is available at: http://www.comlaw.gov.au/Details/F2011L02042/Download

Proposals for the carbon farming positive and negative lists

The Commonwealth Government has released guidelines to propose activities for the Positive and Negative Lists of the Carbon Farming Initiative (CFI). These guidelines explain how proposed activities will be assessed and how communities can have their say on whether particular activities should be included.

Activities proposed using these guidelines will be in addition to those currently listed in draft Regulations that have been released for public consultation. The Government's press release on the publication of these guidelines can be found here.

Further information on the CFI is available on the Department of Climate Change and Energy Efficiency website at: www.climatechange.gov.au/cfi.

Indigenous Economic Development Strategy

The Indigenous Economic Development Strategy 2011–2018 is an Australian Government policy framework that aims to support the increased personal and economic wellbeing of Indigenous Australians through greater participation in the economy.

The Strategy has five priorities: to **strengthen foundations** to create an environment that supports economic development; to invest in **education**; to encourage participation and improve access to **skills development and jobs**; to support the growth of Indigenous **business and entrepreneurship**; and to assist individuals and communities to achieve **financial security and independence** by increasing their ability to identify, build and make the most of economic assets.

- Find out more about the Indigenous Economic Development Strategy.
- Read the joint ministerial media release.

Northern Territory:

Kenbi Land Trust Bill 2011

This Bill facilitates the grant of land identified for possible future development of the northwest area of Cox Peninsula to the Kenbi Land Trust.

Further information is available at: http://www.austlii.edu.au/au/legis/nt/bill_es/kltb2011187/es.html

Northern Territory Aboriginal Sacred Sites Amendment Regulations 2011 (SL No. 31, 2011)

This subordinate legislation commenced on 3 August 2011.

Northern Territory Acts, Bills and Subordinate Legislation are available from Department of the Chief Minister website: http://www.dcm.nt.gov.au

Western Australia:

Invitation for submissions on the proposed Eighty Mile Beach Marine Park

The WA Department of Environment and Conservation is inviting submissions on the Proposed Eighty Mile Beach Marine Park indicative management plan 2011
The closing date for submissions is Friday 20 January 2012.
Further information is available here: http://www.dec.wa.gov.au/content/view/6717/2323/

Queensland:

Proposal to change and declare coastal management districts

Coastal management districts are established under the *Coastal Protection and Management Act 1995* (Coastal Act). They are used to identify and declare coastal areas requiring special development controls and management practices. Coastal management districts are also referenced under the Sustainable Planning Regulation 2009 to trigger assessable development and the referral of certain development applications to the Department of Environment and Resource Management.

The coastal management districts under the Coastal Act are proposed to be changed by abolishing existing coastal management districts and declaring new coastal management districts under section 54 (proposal).

Before the Minister for Environment declares the new coastal management districts, submissions on the proposal are invited. **The closing date for written submissions is 5pm on Friday 23 December 2011.**

Further information is available here:
http://www.derm.qld.gov.au/environmental_management/coast_and_oceans/coastal_management/district-maps.php

Subordinate Legislation

The following subordinate legislation commenced on 29 July 2011:

Aboriginal Land Amendment Regulation (No. 4) 2011 (No. 142 of 2011)

The following subordinate legislation commenced on 19 August 2011:

Aboriginal Land Amendment Regulation (No. 5) 2011 (No. 158 of 2011)

The following subordinate legislation commenced on 9 September 2011:

Proclamation commencing remaining provisions - Aboriginal Land and Torres Strait Islander Land and Other Legislation Amendment Act 2011 (No. 173 of 2011)

Torres Strait Islander Land Regulation 2011 (No. 174 of 2011)

Aboriginal Land Regulation 2011 (No. 175 of 2011)

Queensland Acts and subordinate legislation are available from Queensland Legislation website:
http://www.legislation.qld.gov.au

4. Indigenous Land Use Agreements

- In October 2011,**12** 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
3/10/2011	QI2011/017	Combined Gunggandji People and Ergon Energy ILUA	AA	QLD	Energy Infrastructure
4/10/2011	QI2011/013	Yarrabah Blockholders ILUA	AA	QLD	Community living area Development Infrastructure Tenure resolution
4/10/2011	QI2011/014	Yarrabah DOGIT Transfer ILUA	AA	QLD	Tenure resolution
4/10/2011	QI2011/015	Yarrabah Towers ILUA	AA	QLD	Infrastructure Communication
4/10/2011	QI2011/016	Yarrabah Local Government ILUA	AA	QLD	Co-management Development Government Infrastructure
4/10/2011	QI2011/020	Yarrabah Protected Areas ILUA	AA	QLD	Co-management Government
21/10/2011	WI2011/007	Wingellina Project Agreement	BCA	WA	Mining
21/10/2011	QI2011/021	Birri People & Comerford ILUA	AA	QLD	Access
21/10/2011	QI2011/023	Birri People and Rea ILUA	AA	QLD	Access
28/10/2011	QI2011/045	Mura Badulgal (Torres Strait Islanders) Corporation - Badu Island Pre-Prep Facility ILUA	BCA	QLD	Government
28/10/2011	QI2011/046	Badu Island Police Station and Watchhouse ILUA	BCA	QLD	Infrastructure
28/10/2011	QI2011/024	Ewamian Renison Exploration ILUA	AA	QLD	Mining

5. Native Title Determinations

- In October 2011, **0** native title determinations were 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.

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, Media Releases and Radio Broadcasts

Working Paper:
K Jordan, 'Work, welfare and CDEP on the Anangu Pitjantjatjara Yankunytjatjara Lands: First stage assessment', Working Paper No. 78, 2011.
The PDF version of this article is available at:
http://caepr.anu.edu.au/sites/default/files/Publications/WP/WP78%20Jordan%202011.pdf

Abstract
This report presents the results of a first stage assessment of the impacts of recent changes to the Community Development Employment Projects (CDEP) scheme on the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands. It draws on interviews and discussions with 15 Anangu (Aboriginal) people from the APY Lands as well as staff from Bungala Aboriginal Corporation and other relevant agencies. It also utilises available administrative and census data. As a first stage assessment the aim is to develop the foundation for further research throughout 2012 and 2013. This preliminary analysis concludes that although some of the measures introduced in July 2009 have had positive impacts, the changes to the scheme itself are tending to undermine the productive capacity of CDEP and induce a return to 'sit down money'. This is ostensibly what the government seeks to curtail and indeed what the CDEP scheme itself was designed to minimise. There may be a need for additional policy intervention to ensure that further changes to the scheme scheduled for 2012 do not exacerbate, rather than ameliorate, the multiple disadvantages experienced by many Anangu on the APY Lands.

Journal:
W Asche & D Trigger, 'Special Issue: Native Title Research in Australian Anthropology', *Anthropological Forum*, Vol 21, Issue 3, 2011, pp 219-232.
Available online 19 Oct 2011 at http://www.tandfonline.com/doi/abs/10.1080/00664677.2011.617674

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

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.

Media release:
South Australia Native Title Services

- *Tjayiwara Unmuru pass registration test*, 11 October 2011

Tjayiwara Unmuru native title applicants successfully passed the registration test on 5 October, 2011, after filing the application in December 2010. The native title claim group comprise of those Aboriginal people who have spiritual connection to the Tjayiwara Unmuru claim area. The registered claim means the Tjayiwara Unmuru people now have the right to negotiate with other parties, and use the land for cultural, spiritual and practical reasons while their claim is pending.

Video:
Mick Gooda, 'Strengthening our relationships over lands, territories and resources: the United Nations Declaration on the Rights of Indigenous Peoples' Eddie Koiki Mabo Lecture 2011.

Video available: http://www-public.jcu.edu.au/atjcu/cairns/JCU_090192

Annual Reports:
National Native Title Tribunal, *Annual Report 2010-2011*.

- The Report is available for download at: http://www.nntt.gov.au/Publications-And-Research/Publications/Pages/Annual_reports.aspx

South West Aboriginal Land and Sea Council**,** *Annual Report 2010-2011.*

- The Report is available for download at: http://yamatjimarlpa.blogspot.com/2011/10/201011-ymac-annual-report-now-available.html

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

- The Report is available for download at: http://www.qsnts.com.au/publications/QSNTSAnnualReport2010-11.pdf

10. Training and Professional Development Opportunities

Aurora Project 2012 Native Title Training and Professional Development Calendar

A range of programs are available to suit the needs of both new and experienced staff working at NTRBs. In order to download the calendar and register for a program click here: http://www.auroraproject.com.au/

ANTS Study Leave Scheme
The ANTS (Anthropology of Native Title Societies) at Adelaide University is offering a study leave scheme that provides an academic home for native title anthropologists to take time out from their every day practice to develop research and teaching publications, professional relationships & academic synergies. To maximise these opportunities ANTS is encouraging a number of fellows, from senior to early career stages, to overlap the scheduling of their study leave residencies**. Applications for this round close 16 NOVEMBER 2011**

For copies of the selection criteria and other enquiries please contact Dr Deane Fergie, School of Social Sciences, University of Adelaide, SA 5005, email: deane.fergie@adelaide.edu.au ph: 08 83037197

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