

AGREEMENTS

Queensland

AGL Petroleum Pipelines Ltd and Interstate Pipelines Pty Ltd advertised their intention to begin an Indigenous Land Use Agreement (ILUA) process relating to the construction of a gas pipeline between Woodroyd gas fields and the Roma to Brisbane pipeline at Condamine. (*NTN (Qld) March 2000, p1*)

FAIRA Aboriginal Corporation advertised a proposed Indigenous Land Use Agreement for a proposed gas pipeline between Gatton and Gympie. *NTN (Qld), March 2000, p1*)

The Attorney General's Department establishes Native Title Practitioners Panel

Following enactment of the *Native Title Amendment Act 1998*, new guidelines for the Provision of Financial Assistance by the Attorney General in Native Title Cases commenced operation, following approval by the Attorney General under s 183(4) of the *Native Title Act 1993*, on 30 November 1998.

In accordance with paragraphs 7.9 and 7.10 of the guidelines the Commonwealth Attorney General's Department has established a Native Title Practitioners Panel to assist in the provision of financial assistance and legal services to people (other than native title claimants) involved in native title cases. The panel includes both legal and non-legal practitioners, for example solicitors, barristers, mediators, anthropologists, historians and archaeologists.

Unless a practitioner is a member of the panel, he or she will not be eligible for payment from the Attorney General's Department on behalf of assisted persons.

The individuals and organisations generally eligible to apply for legal and other assistance include pastoralists, farmers, small miners, fishermen, local government authorities and recreational clubs and associations. A list of the native title practitioners on the panel can be obtained by contacting the Attorney General's Department at the address below.

The Attorney General's Department is accepting expressions of interest from practitioners in having their names included on the panel. The period of appointment is three years. Practitioners should have relevant professional

qualifications and demonstrated experience in native title matters. Applications for appointment will be considered having regard to the following criteria:

1. demonstrated experience and competence as a practitioner (legal and non legal) in native title matters,
2. demonstrated knowledge of native title law,
3. previous experience in financially assisted native title proceedings and demonstrated willingness to assist Legal Assistance Branch achieve its statutory objectives,
4. the quality of the services provided by the practitioner in those previously financially assisted matters as assessed by the Legal Assistance Branch,
5. reputation or standing within the profession as assessed by the Legal Assistance Branch,
6. demonstrated capacity to deal with other practitioners and NNTT/Federal Court representatives in a cooperative manner designed to achieve effective and efficient outcomes in financially assisted cases,
7. willingness to represent financially assisted clients on the basis of Legal Assistance Branch's performance standards, fee structures and so on outlined in the material enclosed with the information kit and in accordance with the Native Title Guidelines,
8. demonstrated capacity to provide services which satisfy reasonable client expectations.

Practitioners wishing to nominate to join the panel or individuals or organisations wishing to apply for funding for legal assistance can obtain more information by writing to the Attorney General's Department, Legal Assistance Branch, National Circuit, Barton Act 2600, by facsimile on (02) 6250 5934 or by telephoning Frank Tallarita on (02) 6250 6770 or Megan Millard on telephone (02) 6250 6967.

Australians for Native Title and Reconciliation (ANTaR)

Australians for Native Title and Reconciliation (ANTaR) is a national network of organisations and individuals working for moral and legal recognition of the rights of Aboriginal and Torres Strait Islander peoples in Australia. ANTaR is best known for its *Sea of Hands* campaign and the *Citizens Statement in Support of Native Title* which have so far engaged over 250,000 Australians in support of native title rights. In 1998 ANTaR was awarded the *Human Rights Award for Community Action* by the Human Rights and Equal Opportunity Commission for promoting reconciliation. ANTaR appeared before the CERD committee to demonstrate the broad community support for the view being put forward by Indigenous delegates.

ANTaR is concerned that recent native title decisions, the Miriuwung Gajerrong decision in Western Australia and the Lightning Ridge decision in New South Wales, raise a critical question about whether the idea of partial extinguishment has a place in Australian native title law. If the answer is yes, then the consequences are very serious. The law could grant recognition of native title with one hand only to take it away with the other. Alternatively, the Court could opt for a principle of 'minimum necessary harm' under which leaseholders' rights prevail, and inconsistent native title rights are suppressed but not extinguished. That way, when those leases expire, full native title can revive if traditional connection persists. ANTaR is currently communicating these issues to the community.

To get more information about ANTaR or to join your local ANTaR group

1. Log onto our website at www.antar.org.au
2. Phone us

National	02 9555 6138	Vic	03 9419 3613	WA	08 9314 5690
NSW	02 9555 6138	ACT	02 6257 4472	NT	08 8946 6545
Qld	07 3844 9800	SA	08 8227 0170	Tas	03 6234 3870

David Cooper, National Coordinator
ANTaR

Recent publications

The publications reviewed here are not available from AIATSIS. Please refer to individual reviews for information on obtaining copies of these publications.

Native Title in Australia, Richard H. Bartlett, Butterworths, Sydney, 2000. Since its recognition by the High Court the development of native title law within Australia has been so rapid that it has precluded the development of an encompassing text dealing with legislation and legal practice. The result has been a large body of information with no means of approaching the topic with any ease.

Native Title in Australia represents the most comprehensive analysis of native title within Australia to date and provides a well structured means of approaching and understanding native title law.