



WHAT'S NEW

Legislation

[Native Title \(Indigenous Land Use Agreements\) Amendment Regulations 2006 \(No. 1\)](#)

These regulations amend the Native Title (Indigenous Land Use Agreements) Regulations 1999 by prescribing the form for objecting to an alternative procedure agreement and inserting definitions of the different types of Indigenous Land Use Agreements dealt with in those regulations. Available at:

<http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/all/search/A69BD2C BD82F9BF6CA257133000FEFD4>

Recent Cases: Australia

[Riley v State of Queensland \[2006\] FCA 72 \(Western Yalanji determination\)](#)

Federal Court consent determination recognising the Western Yalanji People's non-exclusive native title rights over a pastoral property in far North Queensland. Available at:

http://www.austlii.edu.au/au/cases/cth/federal_c t/2006/72.html

[Turrbal People v State of Queensland \(with Corrigendum dated 10 March 2006\) \[2006\] FCA 187 \(2 March 2006\)](#)

Available at:

http://www.austlii.edu.au/au/cases/cth/federal_c t/2006/187.html

[Daniel v State of Western Australia \[2006\] FCA 271 \(21 March 2006\)](#)

Available at:

http://www.austlii.edu.au/au/cases/cth/federal_c t/2006/271.html

[Manas v State of Queensland \[2006\] FCA 413 \(On behalf of the Mualgal People\)](#)

Available at:

http://www.austlii.edu.au/au/cases/cth/federal_c t/2006/413.html

[Nona and Manas v State of Queensland \[2006\] FCA 412 \(13 April 2006\)](#)

Available at:

http://www.austlii.edu.au/au/cases/cth/federal_c t/2006/412.html

[Rubibi Community v State of Western Australia \(No 6\)\(includes Corrigendum dated 15 February 2006\) \[2006\] FCA 82 \(13 February 2006\)](#) Determination native title exists.

Available at:

http://www.austlii.edu.au/au/cases/cth/federal_c t/2006/82.html



Now reported in the Federal Court Reports

Fisher and Ors v Queensland and Another (2005) 192 FLR 9; [2005] NNTTA 33

Jack Billy on behalf of the Poruma People v Queensland and Ors (2005) 223 ALR 447
Consent determination.

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Publications

Aboriginal Studies Press: forthcoming publications

Compromised Jurisprudence: Native title cases since Mabo
Lisa Strelein

Practitioners, scholars, teachers and students would be well advised to add this volume to their collection. David Ritter

Compromised Jurisprudence traces the development of the courts' thinking from the original decision in *Mabo v Queensland [No.2]* through to the significant High Court decisions in 2001 in *Western Australia v Ward* and *Yorta Yorta*, and the subsequent implementation of those cases by the Federal Court in cases such as *De Rose*. Each chapter contains a discrete analysis of the most significant cases. A timeline maps the trajectory of the key doctrines and the book's conclusion identifies the underlying themes and contradictions.

230x152mm, 288pp, pb, ISBN 0 85575 533 4, \$39.95 RRP

Rob Riley: An Aboriginal leader's quest for justice
Quentin Beresford

The life portrayed in these pages will above all else challenge our capacity to look into this blighted page of our history and deal with and understand the nature of our national racist cancer. Patrick Dodson, Broome.

I cannot think of a finer introduction to Aboriginal politics in the contemporary era. I urge all Australian citizens who care about reconciliation to read it. Professor Robert Manne

Widely regarded as one of the great Aboriginal leaders of the modern era, Rob Riley was at the centre of debates that polarised views on race relations in Australia: national land rights, the treaty, deaths in custody, self-determination,

the justice system, native title and the Stolen Generations. Set against the tumultuous background of racial politics in an unreconciled nation, the book explores Rob's life as a 'moral protester' and the challenges he confronted in trying to change the destiny of the nation.

230x152mm, 392pp, pb, b/w illus, ISBN 0 85575 502 4, \$39.95 RRP

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Online Publications

AIATSIS

Land, Rights, Laws: Issues of Native Title Volume 3, No.5

['Balancing the scales of Indigenous land justice in Victoria 2006'](#) by Dr Wayne Atkinson. Now available for download at:

<http://ntru.aiatsis.gov.au/ntpapers/ip05v3.pdf>

Hard copies of NTRU issues papers are also available. If you would like us to post you a copy please contact ntru@aiatsis.gov.au.

Research Discussion Paper No.17 2006

['Indigenous Governance: The Harvard Project on Native American Economic Development and appropriate principles of governance for Aboriginal Australia'](#) by Patrick Sullivan. Now available for download from the AIATSIS website:

http://www.aiatsis.gov.au/data/assets/pdf_file/5358/DP-17.pdf.

CAEPR

Discussion Paper 279

['Indigenous Australian entrepreneurs: Not all community organisations, not all in the outback'](#) by D. Foley. Now available for purchase or free download in PDF format. Available at: http://www.anu.edu.au/caepr/Publications/DP/2006_DP279.pdf.

Discussion Paper 280

['Being a good senior manager in Indigenous community governance: Working with public purpose and private benefit'](#) by W. Sanders. Now available for purchase or free download in PDF format. Available at: http://www.anu.edu.au/caepr/Publications/DP/2006_DP280.pdf.

Discussion Paper 281

['Kids, skidoos and caribou: The Junior Canadian Ranger program as a model for re-engaging Indigenous Australian youth in remote areas'](#) by R.G. Schwab. Now available for purchase or free download in PDF format.



Available at:
http://www.anu.edu.au/caepr/Publications/DP/2006_DP281.pdf.

Discussion Paper 282

'Views from the top of the "quiet revolution": Secretarial perspectives on new arrangements in Indigenous affairs' by W. Gray and W.G. Sanders. Now available for purchase or free download in PDF format. Available at: http://www.anu.edu.au/caepr/Publications/DP/2006_DP282.pdf.

A streaming audio recording from the seminar is now available for listening on this website at: <http://www.anu.edu.au/caepr/topical.php#Sec06>

The Centre's current research and strategic vision are detailed in the CAEPR Strategic Plan 2006-2008 and the CAEPR Research Plan 2006-2008, now available online. Available at: <http://www.anu.edu.au/caepr/info.php#research>

- [CAEPR Strategic Plan 2006-2008](#) (2.7MB PDF document).
- [CAEPR Research Plan 2006-2008](#) (121 KB PDF document).

Government Publications

Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Account [Report on the operation of Native Title Representative Bodies](#) Available at: http://www.aph.gov.au/senate/committee/ntlf_ct/rep_bodies/index.htm.

Great Southern Land: The maritime exploration of Terra Australis by Michael Pearson, The Australian Government, Department of the Environment and Heritage, 2005. Available at: <http://www.deh.gov.au/heritage/publications/great-southern-land.html> *Great Southern Land: The maritime exploration of Terra Australis* was originally written to provide a context for the Australian Heritage Council's assessment of coastal heritage sites. It is published as part of the Australian Government's celebration of the 400th anniversary of Willem Jansz's historic journey in the Duyfken. A printed copy can be ordered from the previous DEH page.

National Native Title Tribunal

Speech by the Tribunal's President Graeme Neate: '[Looking in a mirror dimly: Native title and broader Indigenous policy](#)' presented at a meeting of the National Indigenous Council (NIC) in Canberra in February 2006. Available

at:
<http://www.nntt.gov.au/metacard/speeches.html>

[Library Bulletin March 2006](#)

For the latest bulletin of materials recently received in the Tribunal Libraries go to: <http://www.nntt.gov.au/library/index.html>

Workshop presentation papers for the **National Indigenous Fishing Technical Working Group** (NIFTWG) meeting, held in Fremantle, February 2006, are available on the NNTT website at:

http://www.nntt.gov.au/publications/NIFTWG06_Info.html.

[Talking Native Title March 2006](#) go to: http://www.nntt.gov.au/metacard/files/TNT18/NT_Issue_18_2006_Web.pdf

[Talking Western Australia](#) March 2006

In this issue:


- Future act activity increasing - the WA Registry is managing an increasing number of future act mediations for mining and exploration applications from around the state.
- Goldfields mediation progressing - the progress of the North West Goldfields cluster of claims has taken a positive turn, with mediation progressing and trial dates vacated following the resolution of overlap issues.
- Kimberley gets interim judgment - native title parties involved in the Rubibi application, covering land near Broome, have received an interim judgment which clarifies issues to do with the claim group.
- Other regions - two ILUAs have been registered following on from the Ngaanyatjarra Lands determination.
- Contacts in the WA Registry - find out who to contact for your region or area of interest.

<http://www.nntt.gov.au/publications/talkingwa1.html>

[Talking South Australia](#) March 2006

In this issue:

- Native title trials and Tribunal mediation - the Federal Court will start hearing evidence in the Yankunytjatjara/Antakirinja claim in August this year while the Kokatha overlap trial has been listed to be heard next year. Find out what mediation work the Tribunal is involved in ahead of these court dates.
- ILUA negotiations - find out where the Tribunal is involved in assisting the Statewide ILUA process as well as



mediating overlap issues to allow for pastoral ILUA negotiations. Updates are provided for Far West Coast, Gawler Ranges and the First Peoples of the River Murray.

- New claims and determinations - the South Australian office has received a new application for native title from the Kuyani-Wilyaru people. Find out what happened with the De Rose Hill determination when an application for leave to appeal was taken to the High Court.

<http://www.nntt.gov.au/publications/talkingsa.html>

Talking Victoria March 2006

In this issue:

- Guditjmarra make quantum leap - negotiations for a potential settlement of the Guditjmarra native title application have made big progress with agreement in principle reached in several areas of negotiation.
- Expert appointed for Gunai/Kurnai and Kurnai - the Federal Court has appointed an expert anthropologist to prepare a written report on intra-Indigenous issues affecting the progress of this application.
- Native Title Forums - manager of the Department of Justice's native title unit Graeme Aitken launched the first forum for 2006 at the Tribunal's Melbourne office on 22 March.
- Who is who in the Victorian Registry - find out who is working in the Victorian Registry of the Tribunal- both staff and members.

<http://www.nntt.gov.au/publications/talkingvic1.html>

Office of Native Title Western Australia
[Newsletter Edition 11 February/March 2006](#)

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Upcoming Events

Conferences

[Native Title Conference 2006](#)

Tradition & Change, Culture & Commerce
24-26 May 2006

For information about the conference go to: <http://ntru.aiatsis.gov.au/events/conference2006.html>. To book accommodation at the Holiday Inn in Darwin please call Ms Allison Burns on 08 8901 0704.

Registrations close May 18

The activity around this year's Native Title Conference has created another exciting and important program of events. This year the

conference is co-convened by AIATSIS and the Northern Land Council, and hosted by the Larrakia people, traditional owners of the Darwin region, under the auspices of the Larrakia Nation. The conference formally begins on the Wednesday evening with a Welcome Ceremony hosted by Larrakia elders, and includes performances by Alison Mills and the Kenbi Dancers. The following morning, the Mabo lecture will be delivered by Galarrwuy Yunupingu, leader of the Gumatj clan. John Basten, Patrick Dodson, Marcia Langton, and Philip Ruddock are our keynote speakers, presenting in morning plenary sessions on Thursday and Friday. After the keynotes the conference breaks into streams on current issues in native title law and practice, including the nature of proof, trial and mediation practice, compensation, taxation, PBCs, sea and water rights, and the native title amendments. The conference concludes on the Friday night with the conference dinner.

The themes of the conference – tradition and change, culture and commerce – are reflected in the conference program with a panel discussion on the Yulara decision, a breakout session on land justice in Victoria, and several sessions focused on creating opportunities for economic development. The conference will also be a highlight of the Northern Land Council's program of events celebrating 30 years of land rights in the Northern Territory. The program includes presentations on the current amendments to the Northern Territory Land Rights Act, and films and discussion about the history of land rights.

Before the Welcome Ceremony, Native Title Representative Body delegates have been invited to participate in pre-conference workshops held all day on the Wednesday. These workshops are for NTRB delegates only and will cater for the various areas of interest and expertise within NTRBs.

The Native Title Conference is now in its seventh year having been previously held in Coffs Harbour, Melbourne, Townsville, Geraldton, Alice Springs and Adelaide. Each conference has been strongly supported by staff and council of the native title representative bodies, native title claimants and holders, their legal counsel, native title practitioners such as anthropologists, government institutions and departments, politicians, judges, academics and others. Last year's conference attracted close to 500 delegates. If you would like to join us in Darwin, please go to our website for further information:



<http://ntru.aiatsis.gov.au/events/conference2006.html> The conference public program and the NTRB program are **now available** for downloading.

Land, Memory, Reconstruction and Justice: Perspectives on Land Restitution in South Africa 13-15 September 2006

Houw Hoek Inn (Cape Town, South Africa)

Indigenous Researchers Forum (IRF)
25 - 27 September 2006

Adelaide, South Australia

- [Registration Form](#)
- [Preliminary Program Schedule](#)

For further information, please contact Leanne Smith. Telephone: 08 8302 6784. Facsimile: 08 8302 7034. Email:

leanne.smith@unisa.edu.au

Native Title Colloquium 26 September 2006

Two 1/2 day workshops will be held before AAS Annual Conference (see below) at the JCU Cairns Campus, with one following the other. People interested in participating should contact Craig Jones directly via phone 0429441010 or email: craig.jones@jcu.edu.au.

Workshops include:

Connection Reports and Native Title

The workshop will be a facilitated discussion around the production and use of connection reports in the native title process. Participants will include anthropologists, native title representative body staff, lawyers and state officials. In the past there has been much debate around the style and content of the connection reports. The workshops draw on practical experience from all sides of the debate.

What Future for Native Title and Anthropology?

Much of the current policy debate surrounding Indigenous peoples focuses on economic, health and education issues. Where will native title be in 10 years time and what role does native title have to play, if any, in Indigenous development? This workshop offers an opportunity to be forward looking, perhaps even aspirational, in the current reactionary environment. What role is there for anthropologists in this future and can anthropologists play a role in shaping the changes that will occur?

AAS Annual Conference 2006 Beyond Science and Art: Anthropology and the Unification of Knowledge 27-30 September

2006 James Cook University, Queensland, Australia. Go to:

http://www.aas.asn.au/Conference/AAS%20Conference%202006/aas_annual_conference_2006.php

Seminar Series

AIATSIS Seminar Series, Semester 1, 2006

Through their eyes: Helping people see what they want to see. Images of self and others, and looking to the future.

Mondays 12.30-2.00pm, unless otherwise noted, in the Mabo Room, AIATSIS. If you wish to receive email notification of seminars email: research@aiatsis.gov.au.

CAEPR Seminar Series 1, 2006

From 15 March to 31 May. Presenters engage research topics in Indigenous Affairs from a variety of disciplinary perspectives. Includes seminars on the new direction in Federal Indigenous policy, and Indigenous people and mobility. Wednesdays 12.30 to 2.00pm, unless otherwise noted in the CAEPR Seminar Room GO58, Ground Floor, Hanna Neumann Bldg #21, ANU.

Go to: <http://www.anu.edu.au/caepr/sem1> for details. If you wish to receive email notification of CAEPR seminar series, go to: <http://mailman.anu.edu.au/mailman/listinfo/caepr.seminars>

ANU Anthropology Seminar Series First Semester 2006

Wednesdays at 9:30am in Coombs Seminar Room A, ANU. An abstract will be circulated in the week preceding the seminar. If you are interested please contact the convener Phillip Winn at: phillip.winn@anu.edu.au

Recent Events

Strangers on the Shore: A Conference on Early Coastal Contacts with Australia

National Museum of Australia in Canberra March 30 & 31, 2006.

Go to: <http://www.strangersontheshore.com.au/>

ANU Toyota Public Lecture Series 2006 **'The Mabo Case: Its Significance for Australia and the World'** by Emeritus Professor Peter Russell, University of Toronto, Thursday 16 March 2006. Available at:

http://info.anu.edu.au/Discover_ANU/News_and_Events/Public_Lectures/Peter_Russell.asp.

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Opportunities

FIRST CALL FOR PAPERS ACSPRI Social Science Methodology Conference 2006

Venue: The University of Sydney, Sydney, Australia

Dates: 10-13 December 2006

The Australian Consortium for Social and Political Research, Inc. (ACSPRI) will host a conference in December, 2006 in order to provide a national forum focusing on current issues in social science methodology. Plenary presentations will be given by: Professor Merrill Shanks, University of California, Berkeley. Professor Michael Greenacre, Universitat Pompeu Fabra, Barcelona, Spain.

For information and conference updates visit
www.conference2006.acspri.org.au
<<http://www.conference2006.acspri.org.au/>>

Ngā Pae o te Māramatanga are hosting its second international Indigenous conference titled: **"MATAURANGA TAKETAKE: TRADITIONAL KNOWLEDGE - Indicators of Well-being: Perspectives, Practices, Solutions"** at Te Papa in Wellington from 14-17th June 2006.

For further information on the conference please visit our website:
www.traditionalknowledge.co.nz

The University of Queensland Indigenous Studies Award

The Australian Studies Centre at the University of Queensland, in collaboration with the University's Aboriginal and Torres Strait Islander Studies Unit, is calling for applications for a new short-term fellowship scheme, The University of Queensland Indigenous Studies Award (\$25,000).

The award is tenurable for 3-6 months and can be taken up in the second half of 2006 or the first half of 2007. Full details are available on the Australian Studies Centre website at:

www.asc.uq.edu.au
<<http://www.asc.uq.edu.au/>>

Application closing date has been extended to Friday 12 May 2006.

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Employment

Indigenous Education Research Opportunity

The Australian Council for Educational Research (ACER) is seeking to provide an opportunity for an Indigenous person (VCAT Reference A72/2006) to contribute to ACER's Indigenous education research program and to develop skills as a researcher.

For further information call (03) 9277 5577. Applications, including contact details of three referees, should be forwarded to hr@acer.edu.au or Suzanne Coyle, HR Manager, ACER, Private Bag 55, Camberwell, Victoria, 3124, or faxed to (03) 9277 5500.

Applications close on Friday 26 May 2006


Cape York Institute

Staffing in near future (next 2-3 months):

We are beginning recruiting for the Deputy Director role: The Deputy Director is accountable, through the Director to the Board, for the successful operations of CYI. This is an opportunity to play a critical role in addressing the social and economic development needs of Cape York, and in building one of the most innovative and influential public policy organisations in Australia. In conjunction with Balkanu and Cape York Partnerships, we are also looking to hire 20 people to work on a Welfare Reform Project to redesign welfare payments and accelerate community renewal in four remote communities in Cape York. This project aims to work with government and communities to create a "New Deal" on Welfare for these remote communities. It is a bold effort to address some of the first causes of passivity in Cape York, as a fundamental element of Indigenous disadvantage. As well as restructuring income support payments to provide more incentive towards work, study and family responsibilities, the project aims to secure government investment in infrastructure, capabilities (such as health, education, mobility), and the enabling structures required to make change stick (such as Income Management and Justice Groups). The project also seeks to work with the four communities to develop their social norms, a community vision and ways of addressing dysfunctional behaviour.

The available roles fall under a number of categories:

- Welfare Reform Project Manager (1 Position): Lead and manage delivery of project. Organise and develop a robust, detailed proposal for a "New Deal" on welfare with community and



government support for implementation.

- Design Stream (8 Positions): Detailed design work to restructure 5 welfare payment streams. Detailed work to develop investment requirements in infrastructure, capabilities and enabling structures. Based in Cairns

- Community Engagement Stream (9 Positions): Work with community members and leaders in developing a community vision, including community views in design, educating and informing communities around the project, and assisting community development and governance. These roles are based in remote communities of Hopevale, Aurukun, Coen and Mossman Gorge.

- Admin and Media Support (2 Positions): Admin and media support for the project. Based in Cairns

Formal position descriptions will be available on the CYI website shortly. <http://www.cyi.org.au>

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NATIVE TITLE IN THE NEWS

National

01-Mar-06 **Iron ore mining to resume on Koolan Island** Mark McGowan the West Australian Environment minister has allowed Aztec Resources to resume mining on Koolan Island. However there are "strict conditions" and consultations with the Dambimangari Native Title Claimants to ensure that "Indigenous and other environmental values" are protected. Mining Chronicle, March 2006, pg 14. Claimant Application: Dambimangari - Tribunal File Number: WC99/7; Federal Court File Number: WAD6061/98.

1-Mar-06 Concerns ILUAs over Adjahdura Land are being negotiated by non-traditional owners

Objections have been raised by the traditional owners of Adjahdura land to an ILUA that has been negotiated with non traditional owners. Even though some traditional owners have been on the negotiating committees they were given little control and "used like pawns". The ILUA "offers very little" but has been registered with the NNTT despite protest. The traditional owners have officially stated that they "do not recognise the Narungga local government ILUA as being law on this country". Koori Mail, 1-Mar-

06, pg 23. Narungga Local Government: SI2003/004.

09-Mar-06 **Henry Reynolds defends terra nullius** Historian Henry Reynolds has defended *terra nullius* and "maintains that British settlers never recognised the property rights of Aborigines". He questioned Michael Connors recent book saying that he "was trying to force together history and land and did not understand the High Court had based its Mabo decision on precedent using his book as "background". Australian, 9-Mar-06, pg 8.

15-Mar-06 **Hearings for Goldfields claims replaced with mediation** Hearings in the Federal Court for the North West Cluster of native title claims have been cancelled with litigants opting for out-of-court settlements instead. Brian Wyatt the executive director of the Goldfields Land and Sea Council said that the claimants "should be congratulated on their willingness to cooperate" and showing a preference for negotiations. However he also commented on the resistance of the state to negotiations. He said that "every step of the way the State government appears hell bent on diminishing Goldfields Aboriginal People's rights" which is an "irresponsible drain on taxpayers who fund the State's court actions". Negotiations on consent determinations will start early 2007. Koori Mail, 15-Mar-06, pg 16.

15-Mar-06 **North West Nations Clans Aboriginal Corporation claims proposed Victorian Bill is 'genocidal'** The North West Nations Clans Aboriginal Corporation has claimed that the Victorian government's proposed Victorian Aboriginal Cultural Heritage Bill as "genocidal in intent and purpose". Spokesman Elder Robert Nicholls said that the bill "'disappeared' all traditional owner groups in name and country". He also said that "all developers and land proponents should deal directly with traditional owners" without "interference of Aboriginal Affairs Victoria's mission managers". Koori Mail, 15-Mar-06, pg 15.

17-Mar-06 **Xstrata places pressure on the NT government to reverse decision** Xstrata has placed pressure on the NT government to reverse its decision to reject the mining conversion plan. The government is "divided" over whether to approve the plan "which is strongly opposed by environmentalists and some Aboriginal groups but backed by local businesses". X-strata has reiterated that "hundreds of jobs would be lost" if the application was rejected. Age, 13-Mar-06, pg 6;