

ployees of NTRBs alongside a number of others working as Native Title consultants or conducting academic research on Aboriginal organisations. The papers ranged from theoretical engagement with notions of the 'intercultural' (e.g., Francesca Merlan, Patrick Sullivan), through studies of particular situations of interculturalism, for example, the papers given by Sarah Holcombe on the Luritja management of the state or Julie Finlayson's analysis of case studies of governance issues in Indigenous organisations, to the analysis of interpersonal relationships, including Tony Redmond's paper on mutualities and dependencies in the pastoral north Kimberley region of Western Australia. Many of the papers also provided provocative intellectual challenges to current rhetoric, including Nic Peterson and John Taylor's paper on 'secular assimilation' in New South Wales. Papers from other conference sessions dealt with issues of Indigenous violence, public discourse and current challenges to self-determination (Gillian Cowlshaw) and issues of anthropological

analysis of Aboriginal kinship (e.g., Laurent Dousset, Ian Keen).

Key issues for those interested in Native Title related to the organisation of formal institutions representing Indigenous interests (e.g., David Martin and Bruce White's papers) which highlighted the important role of anthropological analysis in 'practical' or 'applied' contexts and extended current concerns with governance in Indigenous organisations, a theme also developed in Jeff Stead's keynote address to the conference which preceded the conference dinner.

Broadly, the conference pointed to the continuing role of anthropology both in Native Title practice and in the critique of the contemporary situation of Indigenous people within the Australian nation-state, highlighting continuing marginalisation, as well as the growing complexities of Australian Indigenous lives that remain masked by the essentialising ascription of difference.

## NATIVE TITLE IN THE NEWS

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### National

The Gladstone Regional Art Gallery and Museum officially opened the exhibition Native Title Business, which will travel around Australia over the next three years promoting understanding, communication and reconciliation. Works include paintings, prints, photography, mixed media, installation, carving, textiles and ceramics. The exhibition was opened by Richard Johnson, executive board member of the Gurang Land Council. *Gladstone Observer*, 10 October 2002.

Around 400 people went to Geraldton in Western Australia for the annual Native Title Conference 2002. The conference hoped to hear from Indigenous communities about the success and failures of the native title process. Aboriginal delegates of the conference spoke of their resentment of the Na-

tive Title Act. They called a meeting exclusively for Aboriginal people, in which they decided to establish a national working party to provide an Aboriginal response to the Act and its problems. Aboriginal and Torres Strait Islander Chairman Geoff Clark said that ATSIC would fund the national working party. *Mid-West Times (Geraldton)*, 4 September 2002. *West Australia*, 6 September 2002.

### Northern Territory

In early September the first native title claim over land in a capital city reached the Federal Court. The claim by nine Larrakia families covers 575 sq kms of Crown land in Darwin and Palmerston. The case has been set down for 10 weeks, with Justice John Mansfield to hear evidence from the Larrakia. *Economist*, 7 September 2002. *Geelong Advertiser*, 3 September 2002. *The Australian*, 3 September 2002.

Fifty national parks in the Northern Territory have been made invalid because of the High Court's decision in the *Ward* case which held invalid the 1981 declaration of the Keep River National Park, on the Western Australia border. The finding means that all parks created between 1978, the time of self government, and 1998, the time of the native title amendments, are invalid. The government's advisers said that if Aboriginal people wanted to test native title in any of the parks, they would almost certainly win. *The Australian*, 26 October 2002. *ABC Indigenous News*, 25 October 2002.

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## Western Australia

The Wutha native title claim group has joined the Ngalia people in condemning an application by mining company WMC Resources to destroy heritage sites, under s18 of the *Aboriginal Heritage Act 1972* (WA). The State's Aboriginal Cultural Materials Committee has been called upon by the Ngalia people to adjourn a decision on the WMC application until further anthropological assessment can be carried out over the area which falls within the Barr Smith Ranges. *Kalgoorlie Miner*, 5 October 2002

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The nation's largest native title determination has formally recognised the Martu people in Western Australia's remote Pilbara region as owners of their land. The Martu people lodged a native title claim in 1996 covering 220,000 sq kms of the Western desert, including Rudall River National Park. However, the park was left out of the determination because of the recent High Court *Ward* decision which ruled that the vesting of a reserve can extinguish native title. The determination will recognise the Martu people's native title rights over 136,000 sq kms, with the right to hunt and gather on their lands, and use natural resources such as ochre, soils, flora and fauna. The Martu people will not have ownership of petroleum and minerals, and public access to the historical Canning Stock route

will be preserved. *The Australian*, 25 September 2002.

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The State Government has endorsed new native title guidelines that it hopes will enable claimants to make a realistic assessment of their chances for success. With 130 outstanding native title claims across Western Australia, the Government is hoping the new guidelines will expedite their resolution. The guidelines come from a key recommendation of the 2001 native title review. The guidelines are available via the web at [www.ministers.wa.gov.au](http://www.ministers.wa.gov.au). *Geraldton Guardian*, 9 September 2002. *Kalgoorlie Miner*, 9 September 2002.

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The Minister for Indigenous Affairs Phillip Ruddock has ordered an investigation of the native title representative body Yamatji Land and Sea Council. The YLSC is the first NTRB to be investigated as such under section 203DF of the Native Title Act. The legislation says to order an investigation "the Commonwealth Minister (must be) of the opinion that there is or may be, (a) serious or repeated irregularities in the financial affairs of the representative body, or (b) a serious failure to perform its functions." *Geraldton Guardian*, 11 October 2002.

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After almost two years of meetings and negotiations the Ballardong people and the Central West people, who had native title claims over the Windarling and Mt Jackson area in Western Australia, have come to an agreement with Portman Limited. The agreement is key to moving forward with the company's iron ore growth strategy. *Mining Chronicle*, 1 September 2002.

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Pandawn descendants and Widi Mob claimant groups have joined together to sign an agreement to protect Aboriginal heritage in land over which they have a shared claim. The two groups failed to meet the native title registration test, which means that they do not have the right to negotiate over special places. Neil Phillips, spokesperson for the Pandawn people, said he believed that under the Heritage Act potential developers

had to consult all claimant groups registered or not. Yamatji Land and Sea Council executive director Roger Cook said the Heritage Act was enacted in 1972 and therefore did not take native title into account. *Mid-West Times (Geraldton)*, 4 September 2002.

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## Queensland

Six Torres Strait Island native title hearings which were to be held in September, will now be held in March next year. The Federal Court will visit the Ugar, Erum, Boigu, Iama and Badu Islands. *Koori Mail*, 4 October 2002, *Torres News*, 20 September 2002.

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The Ewamian people have lodged a native title claim over 29,000 sq km of their traditional country, including Oak Park, Mt Surprise and Georgetown. About 60 pastoral stations are in the claim area. Four meetings have been conducted between the Ewamian people and the pastoralists. The Ewamian people informed the pastoralists of their aspirations in regards to the pastoral stations: to be recognised as traditional owners and have access to hunt, fish and camp; collect bush tucker and bush medicine; protect sites of significance; collect didgeridoo sticks; and, if possible, create training opportunities for young Ewamian people. The Ewamian people also said that it was very important for the strength and vitality of the whole community that every person's right is recognised and respected. *Koori Mail*, 2 October 2002.

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Comalco is being accused of ignoring the native title rights of Gladstone's traditional owners with regards to the site of a new \$1.54 billion refinery which is being built at Yarwun. Mr. Kerry Blackman who was speaking on behalf of the Port Curtis Coral Coast native title claimants said that the company was refusing to negotiate an Indigenous Land Use Agreement. A spokesman for the Comalco company said that the company recognised the relationship traditional owners had with the land and that they have entered into discussions with the

traditional owners in relation to their needs and aspirations. *Gladstone Observer*, 24 September 2002.

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With the recent 10 anniversary of the High Court's decision on the *Mabo* native title claim, the James Cook University has announced that, in partnership with the National Native Title Tribunal, a Native Title Studies Centre is to be established. Cairns is to receive the native title centre of excellence. It is the first time in Australia that any state and the National Native Title tribunal have entered into an agreement with a university for the establishment of such a centre. The State Government is the other partner contributing \$260,000 to the centre over a five year period. *Cairns Post*, 25 September 2002.

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After three years of negotiation the Matrix Metals company and the Kalkadoon people of north west Queensland have signed an Indigenous Land Use Agreement. *North West Star (Mt Isa)*, 29 October 2002. *Townsville Bulletin*, 29 October 2002.

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## New South Wales

Last year a group within the Barkangji Indigenous community made an attempt to have Dorothy Lawson and her son Phillip Lawson stuck off as native title registrants. Now they are making their second attempt to do the same thing. Previously Justice Margaret Stone of the Federal Court refused the request and endorsed the existing situation. The new hearing was set to take place at the Sydney Federal Court on 28 October 2002 and will be held before Justice Stone. *Mildura Independent Star*, 8 September 2002.

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## Victoria

The registration of a land use agreement by the National Native Title Tribunal, over a boat harbor to be built at Blairgowrie, on the Mornington Peninsula, has sparked court action by some of Tasmania's most

prominent Aboriginal families. The Tasmanian families are trying to prove that their ancestral home includes top Victorian real estate. A spokesperson for the Victorian Bunurong group said most 'authentic' Bunurongs lived in Tasmania because their forebears were kidnapped and taken to the Bass Strait Islands early in the 19th century. *West Australian, 9 September 2002.*

Over 12,000 people, groups or associations have registered an interest in the Gunaikurnai application for native title over lands and seas in eastern Victoria. Public notice ends on 6 November 2002, for people wishing to participate in the mediation process. East Gippsland Shire chief executive Joseph Cullen said that mediation is likely to occur in mid 2003 and will be facilitated by the State government's Native Title Unit. *Bairnsdale Advertiser, 6 September 2002.*

The Victorian Government has reached an in-principle agreement for what is likely to be Victoria's first native title determination over almost one million hectares in the Wimmera region. The agreement recognises

the Wotjobaluk people as the descendants of the traditional owners of the Wimmera. The agreement will recognise the Wotjobaluk people's right to hunt, fish, gather and camp along the banks of the Wimmera River. Freehold title to three Crown allotments totaling 45 hectares, which the Wotjobaluk people have a cultural and historic connection with would also be returned. *Age, 26 October 2002. ABC Indigenous News, 25 October 2002.*

The Dja Dja Wrung/Wharung people have asked for their rights to be recognised over land totaling 18.2 sq km. The areas covered in the application are located in Central Victoria: north of Ballarat, west and east of Bendigo and south of the Pyrenees Hwy near Maryborough. People with interests in land covered by the native title application have been called to register for talks with the National Native Title Tribunal. People wishing to become a party to the application have until 17 December 2002 to apply to the District Registrar of the Federal Court. *Ballarat Courier, 18 September 2002.*

## APPLICATIONS

The National Native Title Tribunal posts summaries of registration test decisions at [www.nntt.gov.au](http://www.nntt.gov.au). The following decisions are listed for September/October. The first number following the name is the NNTT Application Number, the second is that of the Federal Court. If an application has not been accepted, this does not mean that native title does not exist. The applicants may still pursue the application for the determination of native title. If an application does not pass the registration test, the applicant may seek a review of the decision in the Federal Court.

Buchanan Downs	DC02/16 D6017/02 <b>Accepted</b>	Victoria River	DC02/22 D6022/02 <b>Accepted</b>
Bidwell Clan	VC02/1 V6001/2002 <b>Not Accepted</b>	Auvergne #2	DC02/23 D6023/02 <b>Accepted</b>
West Bynoe	DC02/20 D6024/02 <b>Accepted</b>	Kalkadoon People Combined Application	QC99/32 QC96/12 QC99/10