

SOUTH AUSTRALIA'S FIRST CONSENT DETERMINATION

The De Rose Hill judgement and recognition ceremony was held on the 27th at Ilintjitjara on APY lands. The Yankunytjatjara people first lodged their claim with the National Native Title Tribunal on 9 December 1994. Initial mediation between the parties failed to result in an agreement leading to a trial hearing in the Federal Court. It lasted 69 days with Justice O'Loughlin reaching a decision in 2002 where he held that the claimants had lost their continuous link to the area. The decision was eventually appealed with three Judges in the Federal Court finding that the lead claimant, Peter de Rose, had passed through ceremonial Western Desert law and was bound by the rules of the country. This showed that he, and others who regarded themselves Nguraritja (traditional custodians or owners), had non-exclusive native title rights over the area.

The judgment also found that native title was extinguished where there were improvements on the land (such as houses, sheds, airstrips and constructed dams) built in accordance with the pastoral leases.

This resulted in the first recognition of native title in the state's history. The claim covered an area about 1865 square kilometres of land adjacent to the Anangu Pitjantjatjara Aboriginal freehold lands just 40 kilometres south of the Northern Territory border.

Based on the rules for coexistence established in The De Rose Hill decision, the claimants and pastoral lease holders in the surrounding area entered into

negotiations toward a sense of ILUAS and a consent determination.

South Australian native title claimants and the state government, resources industry, pastoral industry, local government and fishing industry are engaged in a plan to establish broad agreements in the form of indigenous land use agreements (ILUAs).

On the 28th at Marla, the Justice Mansfield handed down a consent determination following agreement of the State of South Australia and six Pastoral Lessees party to the neighbouring Yankunytjatjara/Antakirinja native title claim covered by pastoral leases. The ceremony brought an end to a 12 year struggle.



Picture of Peter De Rose and other Traditional Owners with Tribunal member Bardy MacFarlane at the handover.

[Back to contents](#)

WHAT'S NEW

Senate Inquiries

Inquiry into the provisions of the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 and associated bills)


The Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2006 (the Transitional Bill), was introduced into Parliament on 14 September 2006, along with an associated bill, the Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006 (the Amendment Bill).

On 14 September 2006, the Senate referred the provisions of the Transitional Bill and the Amendment Bill to the committee for inquiry and report by 9 October 2006.

The committee intends to table its final report in relation to all three bills by 9 October 2006 and welcomes further submissions to the Transitional Bill and the Amendment Bill by 25 September 2006.

The bills, second reading speeches and Explanatory Memoranda are on the committee's website at www.aph.gov.au/senate_legal.

Please contact the secretariat on (02) 6277 3560 if you require further information.



Recent Cases

Please note that these cases are available at
<<http://www.austlii.edu.au/>>

[Griffiths v Northern Territory of Australia \(with Summary\) \[2006\] FCA 903 \(17 July 2006\)](#)

Involves an application for determination of native title in and around town of Timber Creek by the Ngaliwurru and Nungali Peoples. The court considered whether traditional systems of laws and customs has continued essentially uninterrupted since sovereignty and held that the Ngaliwurru and Nungali Peoples have established the existence of non-exclusive native title rights over the land and waters of Timber Creek.

[Kemp v Native Title Registrar \[2006\] FCA 939 \(25 July 2006\)](#)

Involves a judicial review of decision of Native Title Registrar to register Indigenous land use agreement. The Registrar's decision to register agreement was set aside.

[McKenzie v State of South Australia \[2006\] FCA 891 \(30 June 2006\)](#)

Involves a motion seeking leave to discontinue the proceedings SAD 27 of 2006.

[Wiri People No 2 v State of Queensland \[2006\] FCA 804 \(19 June 2006\)](#)

Court ordered: 1. The application for an extension of time in which to comply with the order made on 6 October 2005 be refused; 2. The applicant have leave to appeal against order 1.

[Kokatha Native Title Claim v State of South Australia \[2006\] FCA 838](#)

This decision involved a motion to excise a portion of their claim in relation to an overlap. It considers the exercise of discretion under s 67 of the Native Title Act 1993 (Cth) based on a series of factors including a lack of available funding, the significance of area to claimant group, prospects of mediation and settlement and the efficient administration of justice.

[Griffiths v Northern Territory of Australia \[2006\] FCA 903](#)

Involves an application for determination of native title in and around town of Timber Creek by the

Ngaliwurru and Nungali Peoples. It discusses the society of Ngaliwurru and Nungali Peoples existed at sovereignty in 1825 and whether same society continues to exist. It also discusses whether shift from patrilineal system of descent to cognatic system of descent constitutes fundamental change of normative system and subsequently whether the current society of Ngaliwurru and Nungali Peoples continues to enjoy native title rights and interests under traditional laws and customs. The case also considered extinguishment under s 47B of Native Title Act 1993 (Cth) and whether it can apply within a proclaimed township. It was held that native title exists in the entire determination area.

[Kemp v Native Title Registrar \[2006\] FCA 939](#)

This case involved a judicial review of decision of Native Title Registrar to register indigenous land use agreement. It considered whether requirements for registration in s 24CG(3)(b) of Native Title Act 1993 (Cth) had been met including the authorisation process where competing claims to hold native title in relation to land or waters in the area. In particular it focused on the meaning of 'all persons who hold or may hold native title in relation to land or waters in the area covered by the agreement' in s24CG(3)(b)(i). joinder application based on 'interests' of Shire Council in relation to exercise of its powers

[Butchulla People v State of Queensland \[2006\] FCA 1063](#)


This case considers whether authorisation for the current applicant's removal and replacement was given in accordance with s 251B of Native Title Act 1993 (Cth). It focused on whether all members of the claim group needed to be present at the meeting. It also discussed whether claim group obliged to use a customary process of decision-making or whether it could adopt a contemporary process.

[Akiba & Others on behalf of the Torres Strait Regional Seas Claim People v State of Queensland \(No 1\) \[2006\] FCA 1102](#)

Involves a joinder of the local government claiming that its interests were affected by the application. However French J found that there was no evidence of infrastructure or activities within the claim area and the joinder application refused on discretionary grounds.

[Yalanji People v State of Queensland \[2006\] FCA 1103](#)

Involves a determination for costs.



[Hillig as Administrator of Worimi Local Aboriginal Land Council v Minister for Lands for the State of New South Wales \(No 2\) \[2006\] FCA 1115](#)

This case involved an application to strike out claimant application. It was found that the applicant was not a member of the claim group and was not authorised by all members of claim group. A notice of intention to amend the claim group not given to members of original claim group and the amended claim group did not represent the totality of persons within claim group description.

[Myoung v The Northern Land Council \[2006\] FCA 1130](#)

This case considered the meaning of traditional Aboriginal owners under the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth).

(Sourced from NNTT Judgements and Information email alert service and the Federal Court's Native Title Bulletin)

Legislation

[Aboriginal Land Rights \(Northern Territory\) Amendment Bill 2006](#)

Content: Implement the Government's announcements of October and November 2005 regarding reforms to the Aboriginal Land Rights (Northern Territory) Act 1976.
Current Status: Introduced into the House on 31 May 2006 and passed through the House on 19 June 2006, with Government amendments. Awaiting debate in the Senate.

[Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005 \[2006\]](#)

Parliament of Australia, Bills Digest, 30 November 2005.

[Back to contents](#)

Publications

Aboriginal Darwin: A guide to exploring important sites of the past and present

Toni Bauman with Samantha Wells

Aboriginal Darwin peels back layers to show the rich heritage and complex cultures of Aboriginal people, both before and since colonisation. It includes contemporary and historical sites that range from the

harbour to the beaches, monsoon forests, gardens, parks, camping places, exhibitions, cultural displays and buildings in the CBD, supplemented by information about sites not accessible to visitors. Beautifully illustrated, *Aboriginal Darwin's* easy-to-use layout allows users to explore at their own pace. It's a practical guide that offers readers the bonus of an alternative social history of Darwin. \$34.95, pb, full colour throughout, ISBN-10 0-85575-446-X ISBN-13 978-0-85575-446-4

Trustees on Trial: Recovering the stolen wages

Rosalind Kidd

Foreword by Geoffrey Robertson, QC

Trustees on Trial is the first book to detail the Queensland government's financial stranglehold on Aboriginal people's lives and money, and to question its management. For much of the twentieth century the Queensland government controlled the wages, endowments, pensions, workers compensation, soldiers' pay and inheritances of the state's Aboriginal people. Money it has never accounted for. In 2002 the government conditionally offered a maximum payment of \$4000 for those affected. For some, that represents \$4000 for a lifetime's work. However, most people have no idea what they're owed. *Trustees on Trial* explores the extensive primary evidence of financial (mis)management in terms of national and international case law. It demonstrates there is ample precedence for our courts to declare Queensland has a duty to account. This would reverse the onus of proof from the individual to the State. pb, 230x152mm, 208pp, rrp \$39.95, ISBN-10 0 85575 546 6, ISBN-13 978 0 85575 546 1

Online Publications

AIATSIS

[National Native Title Conference 2006 papers](#)

Available at:

<http://ntru.aiatsis.gov.au/conf2006/papers.html>

The NTRU [native title resource guide](#) has recently been updated to include statistics to 30 June 2006 and other information and hyperlinks relating to new state government policy documents, native title determinations, registered native title bodies corporate, ILUAs, native title reform processes, Northern Territory land rights amendments, revised ILC regional indigenous land strategies.

Other documents recently updated on the NTRU website include:



[Native Title Determinations Summary \[PDF format\]](#)

[Registered Native Title Bodies Corporate Summary \[PDF format\]](#)

CAEPR

[In Search of an Outstations Policy for Indigenous Australians](#) by J. C. Altman, Working Paper No. 34/2006. Available at: <http://www.anu.edu.au/caepr/Publications/WP/CAEP RWP34.pdf>

[Community Governance newsletter—August 2006](#)The second edition of this year's Community Governance newsletter (Vol.2, No.2), produced as part of the ARC Indigenous Community Governance Project, is now available online.

[Indigenous socioeconomic outcomes: A focus on the 2002 NATSISS—CAEPR Research Monograph 26](#)

This monograph presents the peer-reviewed proceedings of the CAEPR conference on Indigenous Socioeconomic Outcomes: Assessing Recent Evidence, held at The Australian National University in August 2005. The main focus of this volume is on analysing the 2002 National Aboriginal and Torres Strait Islander Social Survey (NATSISS) outputs and issues about how to interpret the data. It also offers some assessment of changes in Indigenous social conditions over time and examines how Indigenous people fared vis-à-vis other Australians in other statistical collections. The discussion of the broad Indigenous policy context by three prominent Indigenous Australians Larissa Berhendt, Tom Calma, and Geoff Scott explores different perspectives.

National Native Title Tribunal

[What's New in the Library June 2006](#)

The latest bulletin of materials recently received in the Tribunal Library. Available at: <http://www.nntt.gov.au/Library/files/WhatsNewInTheLibraryJune2006.pdf>

[Native Title Hot Spots Issue 20](#) Available at: <http://www.nntt.gov.au/newsletter/hotspots/issues/20.html>

[Maps and statistics as at 30 June 2006](#) Also see the NNTT [maps and spatial data](#) page for national, state and regional maps available.

Please visit the NNTT website at www.nntt.gov.au to download any of these publications.

Government Publications

[Equality before the Law Bench Book](#)

Judicial Commission of New South Wales, 2006
Available at:
<http://www.judcom.nsw.gov.au/benchbks/equality/ind ex.php>

[Native title claims resolution review](#)

Graham Hiley and Ken Levy, Canberra: Attorney-General's Department, 2006.

The Claims Resolution Review was established by the Attorney-General to consider the process by which native title applications are resolved. The Review examined the roles of the National Native Title Tribunal (NNTT) and the Federal Court and considered measures for the more efficient management of native title claims within the existing framework of the Native Title Act 1993.

See also the [Government response](#) to the claims resolution review.

(Source:
<http://www.ag.gov.au/claimsresolutionreview>)

[Aboriginal Land Rights \(Northern Territory\) Amendment Bill 2006](#)

Australia. Parliament. Senate. Community Affairs Legislation Committee, Canberra : The Committee, 2006.

[Exploring country: a guide to making an exploration and mining agreement](#)

Northern Territory. Dept. of Primary Industry, Fisheries and Mines, Darwin, N.T: Dept. of Primary Industry, Fisheries and Mines, 2006

[Administration of the native title respondents funding scheme](#)

The Auditor General, Audit Report No.1 2006–07.

[Back to contents](#)

Upcoming Events

[Governments and Communities in Partnership: From Theory to Practice](#)



Venue: Melbourne

When: 25 – 27 September, 2006

This international conference has been organised in association with the OECD and aims to deepen the academic and policy debate about the impact and value of efforts to 'join-up' different public services and related initiatives to strengthen communities. This event boasts a stellar line up of over 200 speakers (both academics and policy practitioners) from all around the world.

Program: available http://www.public-policy.unimelb.edu.au/conference06/program_detail.ed.pdf

(Speaker profiles and abstracts for the Centre for Public Policy Governments and Communities in Partnership are also available online).

[World Archaeological Congress symposium, "Cultural Heritage and Indigenous Cultural and Intellectual Property Rights"](#)

Venue: Burra, South Australia

When: 3rd to 5th December 2006

Program

Multi-disciplinary conference will address the history and current developments in the intersections between cultural heritage and Indigenous cultural and intellectual property rights in Indigenous customary and academic worlds. Key speakers are from George Nicolas and Julie Hollowell, Canada/USA; Maui Solomon, New Zealand; and Sven Ouzman, South Africa.

Regenerating the Phoenix: Anthropology's Public Futures

See further <http://anthropology.anu.edu.au>

Venue: Burra, South Australia

When: 8-10 November, 2006

This workshop seeks to debate what Richard Werbner (*Reasonable Radicals*) calls a dialogic cosmopolitan anthropology which recognises the positive contributions that early anthropologists have made to the discipline, questions aspects of the post-colonial critique that unfairly labels Anthropologists as reproducing false notions of cultural isolation and objectification and shows how

it engages in an intercultural dialogue that has gone on for centuries and continues with all of its political inequalities and intrigues today.

[Centre for Aboriginal Economic Policy Research 2006 Seminar Series](#)

Venue: Seminar Room G058, Ground Floor, Hanna Neumann Building, Australian National University

When: Wednesdays 12.30 – 2.00pm

Program:

13 September: Literacy, culture and power: reflections on the neoconservative assault on Indigenous education. Jerry Schwab, Fellow, CAEPR

20 September: Indigenous peoples and indicators of well-being: UN perspectives on global framework. John Taylor, Deputy Director and Senior Fellow, CAEPR

27 September: Regionalised governance processes in the Northern Territory: The West Central Arnhem Regional Authority. Diane Smith, Fellow, CAEPR

4 October: Accountability in Indigenous Organisations: What can it reasonably mean? Kathryn Thorburn, PhD scholar, CAEPR

11 October: Self assessments of successful Indigenous governance: analysis of the first two years of the Indigenous Governance Awards (tbc). Members of the Indigenous Community Governance Project Team


25 October: Arguing for a treaty between Indigenous and settler Australians: Beginning a better relationship (A thesis proposal). Katarina Ferro, PhD scholar, CAEPR

1 November: The making of contemporary Aboriginal learning and literacy: Ngaanyatjarra engagement with changing western practices. Inge Kral, PhD scholar, CAEPR

8 November: Dealing with distance: Mobility, sociality and governance in Central Cape York Peninsula. Benjamin Richard Smith, Research Fellow, CAEPR

[Anthropology @ Monash Seminar Series 2006](#)

Venue: Room W1010, PSI School Library, 10th Floor Menzies Building, Clayton Campus Monash University



When: Thursdays at 4.00-5.30pm fortnightly during the teaching weeks

Program:

7 September: Dr Trudy Jacobsen, ARC Postdoctoral Fellow in Anthropology & Centre of Southeast Asian Studies, MAI. "Dabbling in Dhamma? The Lives of Theravada Buddhist Nuns in Cambodia."

3.00pm Tuesday, 19th September PLEASE NOTE: different day and time Prof Gillian Cowlshaw, ARC Professorial Fellow at University of Technology, Sydney. "Erasing Social Trauma: Contemporary Australian History and Ethnography."

21 September: Lejla Voloder, PhD candidate in Anthropology, Monash University

12 October: Dr Bianca Smith, Endeavour Award Postdoctoral Fellow in Anthropology, Monash University.

AIATSIS Seminar Series – Semester 2

Venue: Acton Peninsula, Canberra.

When: 4 September to 6 November 2006

Program:

Commenced 2 September with a presentation by:

Ms Marianne Riphagen; Cultural Anthropologist, Radboud University Nijmegen, the Netherlands, in affiliation with the Centre for Aboriginal Economic Policy Research (CAEPR) Australian National University Her topic is 'Framing Indigenous Australian photography in the twenty-first century: the creation of photographic meanings by contemporary Indigenous Artists'

[Back to contents](#)

Opportunities

2006 Australian Anthropological Society annual conference

27-9 September, James Cook University in Cairns

This year's theme is Beyond science and art: Anthropology and the unification of knowledge, and

the range of panels reflects anthropology's dynamic relationships with the humanities and natural sciences. Please note: early bird (i.e. discounted) registrations end the 4th of August. For further information please contact the conference organisers: aaconference@jcu.edu.au

The Centre for Research on Social Inclusion at Macquarie University is keen to attract high quality applicants for this internal (Level B or C) Research Fellowship Scheme. They are ideal for those with community linked projects suitable for application to the ARC Linkage Scheme. If you feel your work fits the Centre's profile (www.crsi.mq.edu.au ; <http://www.crsi.mq.edu.au/>) and you are interested in applying, please contact Dr Amanda Wise (amanda.wise@mq.edu.au) in the first instance.

Australian Film, Television & Radio School's Indigenous Program Initiative Scholarships

The Australian Film, Television & Radio School is the key national centre for the training of exceptionally gifted film, television, digital media and radio students and the high-level professional development of those already working in the industry. The Macquarie Bank Indigenous Scholarship is open to Aboriginal and Torres Strait Islander people to study directing, producing, screenwriting or documentary at the AFTRS in 2007.

For further information please contact the Student Services Centre on (02) 9805 6444 or Sara Hourez on (08) 8553 5291 or e-mail <mailto:sarahourez@bigpond.com> > sarahourez@bigpond.com

'New Racisms : New Anti-Racisms'


3 - 5 November 2006 at the University of Sydney.

Organised by the Research Institute for the Humanities and Social Sciences and the Department of Anthropology at University of Sydney, along with the Human Rights and Equal Opportunity Commission.

Convenor: ghassan.hage@arts.usyd.edu.au

Computer program for genealogies

Professor Shigenobu Sugito of Sugiyama Jogakuen University in Nagoya, Japan, has been developing the Alliance program for recording and searching genealogical data. The Alliance project was begun about three years ago and is based upon Yolngu social structures, although it can be adapted to any Indigenous system in the Pacific. Professor Sugito



visited both the Northern Land Council and NSW Native Title Services to display the product and to gain ideas for further enhancement. He is interested in working with any organisation that holds genealogical material and can be contacted by email at sugitos@hs.sugiyama-u.ac.jp.

Postdoctoral Fellowships

The Southeast Asian Program of the Faculty of Arts and Social Sciences at the National University of Singapore is looking for someone who holds a PhD degree (or is awaiting conferment) and has broad interdisciplinary expertise and research interests in Southeast Asian Studies (including specializations in anthropology, cultural studies, economics, geography, history, political science and sociology). The

Fellow will work with faculty members in the Department with ongoing research in these and/or related areas.

Applications close 31 December 2006.

The Annual Australian Sociology Association (TASA) Conference

Murdoch University and the University of Western Australia (UWA)

4 - 7 December, 2006

Registrations close 12 November, 2006

Submissions close 8 September, 2006

Conference Theme: 'Sociology for a Mobile World'

There are ten streams, and presenters are required to nominate a stream on submission of their abstract.

Submit your abstract on line at http://www.ias.uwa.edu.au/activities_and_programs/programs_2006/TASA_2006/tasabstract_online_reg_o3

AAS Best Thesis in Anthropology Award

The AAS will award prizes of \$500 in two categories:

a) Honours and b) PhD / M.A. (by research).

Winners are announced during the course of the annual AAS Conference. Each winner receives \$500 and a commemorative certificate.

Submissions to be sent to: Administrator, AAS, LPO Box 8099, ANU, Canberra ACT 2601

Contact: Shane Silva
Administrator, Australian Anthropological Society
LPO Box 8099, Australian National University
Tel: (02) 6125 3208
Fax: (02) 6125 2711

[Back to contents](#)

Employment

Description and closing date	Location	Description	Contact
The Thomas and Margaret Ruth McArthur Fellowship 14 Sep 2006	University of Melbourne, Faculty of Arts Budget Division: Faculty of Arts	Post-doctoral Research Fellowship, offered at either Level A or Level B. Level will be determined by qualifications and experience. Salary: \$45,224 - \$61,370 p.a. (Research Fellow, Level A) or \$64,602 - \$76,714 p.a. (Research Fellow, Level B)	Applications can be forwarded: Email: hr-applications@unimelb.edu.au Fax:+61 3 8344 6080 Mail:Vice-Principal (Human Resources), The University of Melbourne Victoria 3010 For enquiries contact: Prof Verity Burgmann, tel. +61 3 8344 7943, email vnb@unimelb.edu.au
Level 6 Senior Project Officer 18 Sept 2006	Department of Indigenous Affairs (WA) Kununurra office	Level 6, \$67,850 - \$75,133 (12 month contract)	Ms Pam Thorley 08 9168 2550
Level 3 Records Supervisor 18 Sep2006	Department of Indigenous Affairs (WA) Perth	Level 4/5- \$52,413 - \$64,439	Mr Andrew Pepper (08) 9235 8132
Employment Opportunities: Geospatial Specialist 21 Sep 2006	NNTT, Perth or Brisbane	APS Level 6,\$57,556 - \$66,115, Non-ongoing (temp)	Jeff Harris 07 3226 8270
Employment Opportunities: Business Systems Specialist 21 Sep 2006	NNTT, Operations Unit, Perth	APS Level 5, \$53,290 - \$56,505, Non-ongoing (temp)	Allan Thompson 08 9268 7233
Level 4/5 Regional Officer 25 Sep 2006	Department of Indigenous Affairs (WA) Kununurra office	Level 4/5- \$52,413 - \$64,439	Ms Pam Thorley 08 9168 2550
Monash Faculty of Arts Postdoctoral Fellowship 29 Sep 2006	Monash University	2 years, Academic salary Level A	deepa.balakrishnan@arts.monash.edu.au
Lecturer in Social Anthropology 6 Oct 2006	University of Otago		Human Resources Division 64 3 479 8269, nicola.parsons@otago.ac.nz

[Back to contents](#)