

Index

- Aboriginal Affairs Planning Authority, 205
Aboriginal Affairs Planning Authority Act 1972, 176, 203, 205
Aboriginal and Torres Strait Islanders, 277
Aboriginal corporations, 278, 279, 287, 294
Aboriginal Councils and Associations Act (ACAA) 1976, 199, 200, 202, 204, 205, 278
Aboriginal Land Act 1974 (ALA), (QLD), 274, 275, 295
inalienable freehold title under, 277, 278
Aboriginal Land Commissioner, 226, 268
Aboriginal Land Councils, 260
Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA), ix, 3, 177, 202, 223, 230, 244, 247, 249, 260
definition of 'traditional owners' under, 228
Aboriginal Land Rights Commission (1973), ix, 228
Aboriginal Land Trust (NT), 177, 249
Aboriginal Land Trusts (ALTs) (QLD), 275, 277, 279
Aboriginal Lands Trust (WA), 176, 177
Aboriginal Sacred Sites Act 1978, 247
Aboriginal Sacred Sites Protection Authority (ASSPA), 8, 247, 248, 249–51, 253, 258, 260
contest with NLC, 261–7
Action Team, 152, 153, 154, 162
agriculture, 144
alienated land (see also 'unalienated land'), 143, 145, 158
alienation of land, 60
alienability of land (see also 'inalienability'), 47
alienable property, 46
alienation of rights, 53
Anthropological Forum, 161
Asian Development bank, 151
Aurukun Shire Council, 283, 284, 286, 289
Australian colonial law, 137
Australian colonial paternalism, 156
Australian Conservation Foundation, 265
Australian National Parks and Wildlife Service, 264
Bardi, the 5, 7, 199, 200, 201, 204, 206, 208
local organisation, 215–6
Barnes, John, xi
Barnett Inquiry, the, 145, 146, 150
BHP (see also 'Broken Hill Pty Ltd'), 257, 258, 259, 260, 262, 267
Bougainville Copper Limited, 156
Bougainville rebellion, 30, 143, 146, 147, 156, 157
boundaries, 191, 192
maintenance of in PNG, 135–73
bounded groups, 178–9, 190–1
Brennan, Justice, ix
bridewealth, 130, 131
Bridge, K.W.T., 184
British Petroleum (BP), 153
British Petroleum and Oil Search, 105, 108, 112
Broken Hill Pty Ltd (BHP), 251
Brown, John, 40
Bruce, J.S., 181
Bula dreaming, 253, 264
Bula sites, 262, 267, 268
buru, 209, 214
Bardi and Jawi, 210, 211, 215, 216
'cadastral landscape', 5
Callie-Dead Bullock Soak, 230
Cape York Peninsula, 275
Aboriginal land tenure on, 277–8, 285
Coen subregion, 276, 281, 285–6
PBC model in, 290–2
managing Aboriginal land title, 273–97
Wik subregion and people, 276, 277, 283–5, 286
PBC model in, 287–90
care centre, 40, 41, 42
cash cropping, 48
cash crops, 40, 44
Central Desert Joint Venture, 230

- Central Desert Land Trust, 226
 Central Land Council, 4, 223, 224, 228
 Chan government, the, 150
 Chevron Niugini Limited (CNGL), 30, 66, 97, 98, 99, 102, 107, 117, 118, 121, 147, 151, 158
 clan, 9, 103
 as social security network, 42
 ‘segments’, 104
 ‘special purpose’, 67
 ‘clan diasporas’, 81
 clan-finding, 57–72
 clan groups, 213
 clan-making, 57–72
 clanship, 63, 64, 65
 ‘invention of’, 162
 as legible tradition, 65–8
 presumption of, 66, 69
 Clapp, George, 153, 156
 Clifford, James, 90
 Coen Regional Aboriginal Corporation, 290, 291
 Colonial Codification, 119
 colonisation, 7
 commercialisation, 137
 Commission of Inquiry into Land Matters (CILM), ix, xii, 3, 18, 19, 23, 26, 35, 118, 143, 145, 163, 164
 commodification, 49, 50
 Community Development Employment Projects (CDEP), 203, 204, 293
 Community Oil Palm Development, 160,
Community Services (Torres Strait Islands) Act 1984, 183
Companies Act (PNG), 30, 33
 compensation payments (see also ‘royalties/benefits’), 135
 resource, 138, 139–42, 147, 156, 164, 165, 166
 connection to country, 214, 215
 Coronation Hill, 8, 225, 247–72
 gold deposits, 251
 Joint Venture, 251, 264
 uranium mining, 251
 ‘corporation’, the, 5
 indigenous forms of, 8, 212
 Western, 126, 212
 costeaning, 238, 241
 Country Liberal Party, 250
 Crocombe, Professor Ron, 26
 Crown Land, vacant/unallocated, 203
 ‘custom’ (see also ‘*kastam/kastom*’), 8, 138
 flexibility of, 137
 lands, groups, boundaries as elements of, 136–8
 law and development, 137
 reconciling with development, 136
 customary communal landownership, 1
 as impediment to economic development, 1, 9
 as spur to development, 43
 recognition of, 31, 33, 60, 63
 customary land law (PNG), 142–6
 customary land registration, 2, 4, 5, 11, 16, 18, 31, 33, 35, 101, 164
Customary Land Registration Act/Regulation, 21, 144, 148
 Customary Land Registration Areas (CLRAs), 20, 21
 customary land tenure
 Melanesian, 34, 39
 in Africa, 1–2
 in PNG, 15, 20, 60, 66, 129,
 customary law, 7, 119, 128–30, 163, 175
 customary obligations, 55
 customary ownership, 4
 customary ritual, 55
 customary social groups, 7, 15, 161, 164
 museological approaches to, 75, 76, 80
 poetic-pragmatic approaches to, 76, 77
 registration, 99
 ‘cut up the pig’, 114
 Dampierland Aboriginal communities, 199
 Dampierland Peninsula, 7, 200, 203, 207
 Dauan Island, 179
 Dauan people, 179, 180, 190, 192
 Deed of Grant in Trust Lands (DOGITs), 277, 278, 279, 284, 295
 development aid, 15
 Dispute Settlement Authority, 100, 109, 126
 Djarindjin, 200, 201, 204
 DOGIT settlements, 283, 284

- Douglas, John, 181
 dreaming, the (see also '*jukurpa*'), 225, 231
 dreamings, 225
 dreams, measurement of, 241, 244
- East New Britain, 43
 land, 39–56
 commercialisation of custom, 54
 forfeit policy, 41, 42
 non-customary, 41
 reform, 44
 Resettlement Committee, 42, 44
 volcanic eruption, 40, 53, 54
- East Sepik, 3,
 Customary Land Register, 22
 land legislation of 1987, 17–23, 36
East Sepik Customary Land Registration Act (1987), 16, 19, 20–1, 22
East Sepik Land Act (1987), 16, 19–20
 economy, indigenous peasant, 135
 environmental movement, 256
 Epstein, Bill, 47, 51, 53
 Ernst, Dr Tom, 30
 Evans-Pritchard, E.E., x, 88, 118, 124, 132
 Exploration and Mining Leases, 145
 Exploration Licence Applications, 228, 232, 234, 241
- Fitzroy Crossing, 203, 204
 Foi, the 6, 66, 128
 fragmentation of clans, 129, 130–1
 ILG, 117–34
 as strategic device, 121
 conflict within, 125–7
 fragmentation of, 123–4
- Forest Industries Association, 149
 Forest Management Agreements, 149, 150
 forestry, 34, 177
Forestry Act (PNG), 30, 145, 149, 159
 'resource acquisition', 148
Forestry (Private Dealings) Act (1971), 145
 Fortes, Meyer, x
 Fraser government, the, x
 French, Justice, 217
- Frieda Mine Landowners' Association, 63
- 'Gas-to-Queensland' Project, 105
 Gazelle Peninsula, 39, 46, 52
 Gazelle Restoration Authority, 41
 Gimbat station, 251, 253, 256, 260, 262, 264
 Gobe Project Area, 151, 153
 distribution of benefits, 151
 Goodparla station, 253, 260, 264
 Gordon, Sir Arthur, 175
 Gove case, the, x
- Hand, Gerry, 265
 Hasluck, Paul, x, 24, 142, 163
 Hawke, Bob, 248
 Hidden Valley, 184, 186, 191
 Hides Gas Project, 9, 102, 105–15, 125, 153
 Highlands Gold/Pacific, 63
 Hindmarsh Island, 247
 Howard, John, 1
 Hughes, Helen, 15, 35
 Huli, the, 9, 153
 land tenure system, 105, 106
 boundary demarcation, 106, 108
 'stock clans', 106
 migrant groups, 106
- identity
 the politics of, 57–72
 forging in Porgera, 73–96
 indigenous, 75
 reconfiguring, 69
 'ideology of landownership', 12
 ILG Breakout Group, 152, 153
 inalienability of land, 50, 60
 incorporated land groups (ILGs) (PNG), 21, 27, 31, 97–105, 145, 166, 177
 approaches to formation, 104–5
 as dispute-settlement authorities, 27, 28
 breakdown of operations, 34
 bribery and corruption within, 33, 35
 the Foi, 117–34
 'zone' concept, 108–14

- incorporation, 165
 applications for, 29
 of land groups (PNG), 23–31, 142, 153, 163, 164, 165
 in petroleum and forest sectors, 146–50
 of outstations, 199–221
 the process of, 5, 7, 66
- Indigenous Land Use Agreements (ILUAs), 279, 292, 293
- indigenous self-determination, 255
- individualisation (of property rights), 1, 2, 18
- individuation of tenure, 75
- Ipili, the, 9, 77, 78, 79, 89, 153
 sociality, 80–4
 apical ancestors, 81, 82, 83
 ‘view and translate’ approach, 80, 88
- Iralim, 179–80
- Jangala*, 236
- Jawi, the, 5, 199, 200, 201, 204, 208
- Jawoyn Association, 255, 257, 258, 259, 260, 262, 263, 265, 267
- Jawoyn (Gimbat Area) Land Claim, 268, 270
- Jawoyn (Katherine Area) Land Claim, 255
- Jawoyn language group, 253, 255, 269, 270
 opposition to mining project, 257, 259
- Jawoyn Working Group, 266, 267
- Jorgensen, Dan, 161
- Josif Report, the, 267
- jukurrpa* (see also ‘the dreaming’), 225, 226, 229, 231, 233, 236, 237, 238, 239, 242–4
- justiciability, 128
- justiciable law, 131
- Kakadu National Park, 248, 252, 254, 268
- Kakadu Stage III, 256, 258, 264, 266, 267
 Conservation Zone, 264, 265, 266, 267, 268
- kakalei*, 42, 51
- Kanawi, Josepha, 8
- Kartangarurru-Kurintji, 226
- kastam/kastom* (see also ‘custom’), 39, 57, 112, 114, 137, 164
- Katherine Area Land Claim, 268
- Katherine Gorge National Park, 255
- kiap*, 84, 85, 156, 157, 163
- klan*, 164
- Kimberley Land Council, 199, 212
- Kimberley region, 200, 203
- kinship, cognatic, 63
- kirda*, 243
- Koyama, Samuel, 32
- Kugu-Nganychara, the, xi
- kulia*, 47, 48, 49, 51, 53, 55
 as a commodity transaction, 50
- Kurubu Ipara, 85
- Kutubu Joint Venture, 148, 150, 153, 156
- Kutubu Petroleum Development Licence and Pipeline Licence, 147
- Kutubu region, 102
 ILG in, 117–34
 oilfields, the, 30, 31, 66, 68
- Lalor, W.A. (Peter), 24
- land
 as commodity, 48, 54
 protecting Aboriginal interests in, 247
- Land Act* (PNG), 79, 105, 121, 146, 156, 159, 176
 ‘lease-leaseback’ clause, 145, 160
- Land and Sea Management Agencies, 280, 285, 292
- Land Councils, 280
- Land Disputes Settlement Act* (PNG), 18, 143, 156
- Land Groups Incorporation Act 1974* (LGIA) (PNG), ix, xii, 2, 3, 6, 8, 16, 18, 20, 21, 23, 26, 27–31, 32, 35, 98, 100, 105, 111, 112, 117, 126, 136, 143, 145, 146, 153, 177
- Land Registration Act*, 159
- Land Registration (Communally Owned Land) Ordinance 1962*, 17
- Land Regulation* (PNG), 21
- Land Rights Act* (NT), xi

- land tenure
 Aboriginal systems of, 273, 274, 295
 clan-based, 60
 politics of, 204–7
Land Tenure (Conversion) Ordinance (1963),
 17, 143
 Land Titles Commission(ers) (PNG), 8, 17,
 19, 120, 127, 146, 159
 Landowner Associations, 100, 101, 111
 Landowner Companies, 100, 101, 135
 Landowner Negotiating Committee, 79, 80
 Landowners, Developers and State,
 relationship between, 137, 140, 141,
 165
 landownership, 213
 Aboriginal, 274
 boundary maintenance, 135–73
 concept of, 120
 identification of (*see also* ‘traditional
 owners’), 175
 ideology of, 60, 164, 165, 166
 ‘traditional’, 123
 Lea, David, 33, 34
 ‘legal transformations’, 36
 ‘legibility’, 57, 58, 59–60, 63, 66, 68
 Levi-Strauss, 89, 90
 Lockhart River Shire Council, 286
 Logging and Marketing Agreement, 145
 Lombadina, 200, 209
 Lynch, C.J. (Joe), x, 23, 24, 25, 26

 Mabo case, 181, 183, 195
 Mabo decision, ix, 3, 10, 11
 second, 177
 Maddock, Kenneth, 119, 120
Madja, 213
 Malinowski, Bronislaw, 36
 mapping
 difficulties in, 240
 indigenous ownership, 5
 mining model, 240–4, 244
 social, 113
 sacred sites, 4, 27, 231, 234, 285
 Markell, Patchen, 75, 91
 matrifiates, 216
 matrilineal systems, 39, 45, 53, 106
 Matupi, the, 50, 53, 55
 Matupit, 39, 40, 42, 46, 47, 51, 55
 customary land transactions, 53
 customary relations in, 48, 49,
 Meggitt, M.J., x
 Melanesian capitalism, 75
 Melanesian ‘heavy industry’
 mining, 139, 155
 oil and gas, 139, 155
 oil palm, 139
 timber (logging), 139, 155
 Melanesian legal principles, 128, 129
 ‘Melanesian Way’, 57, 58–60, 65, 67, 69,
 137
 Mer Island, 11
 Mer Gedkem Le, 181, 183
 Meriam people, 11, 182, 190, 195
 Miller, Daniel, 78
 mineral exploitation/exploration, 63, 67,
 120
 in Aboriginal land, 223
Mining Act (PNG), 79, 157, 158
Mining (Ok Tedi Agreement) Act 1976, 180,
 193
 mining
 politics, 65
 projects (PNG), 59–72
 role of state in,
 Miriuwung Gajerrong (Ward) decision, 7
 missions, 277
 modernisation, 137
Modernities in Melanesia, 77
 modernity, 77, 90
 Muiyoke Pty, 122, 129
 Mundine, Warren, 1
 Murray Island Court, 181, 182, 183, 196
 Mye OAM, George, 195
 Myers, Fred, xi

 Nakuwi Association, 184
 Namatanai Open Electorate, 162
Nangala, 236
 National Forest Service, 149, 150
 National Forestry Development
 Guidelines, 149
 National Indigenous Council, 1
 National Native Title Register, 199
 National Native Title Tribunal, 178, 183

- National Park Boards of Management, 290
- Native Title Act (NTA)* (1993), ix, 3, 5, 6, 7, 8, 89, 177, 199, 206, 212, 273, 295
- native title claimants
- Aboriginal and Torres Strait Islander, 275
 - in Queensland (see also 'PBC'), 274, 278
 - 'tenure resolution' process, 274
- native title claims
- Alyawarr, 7
 - Bardi and Jawi, 217
 - Wanjina (Neowarra), 7
- Native Title Representative Body, 176, 178
- Nauti, the, 190, 192, 194, 195
- the case of, **184–8**
- Neate, Graeme, 4
- 'Neo-Melanesian' mindscape, 164
- Nena/Frieda mining project, 61
- Nena/Frieda prospect, 61, 64
- Neonataman, 61, 63, 65, 68, 69
- New Britain Palm Oil Ltd, 160
- Noonkanbah, 225, 247
- Normandy NFM, 229, 230, 240
- Northern Land Council, 8, 247, 248, 249–51, 253, 256, 258
- contest with ASSPA, **261–7**
 - role of, 258–60
- Northern Territory
- economic development of, 264
 - self-government, 227
- Northern Territory Government, 228, 232, 249
- Department of Mines and Energy, 229, 232
 - opposition to land claims, 227
- Northern Territory Act*, xii
- Northern Territory Mining Act 1980*, 228
- nuclear family, 39, 40, 45
- Office of the Registrar of Aboriginal Corporations (ORAC), 178
- Oil and Gas Act 1998* (PNG), 31, 98, 111, 113, 154, 158, 194
- land groups in, **150–5**
- Oil and Gas (Amendment) Act* (2001), 154
- oil and gas projects, 177
- oil palm schemes, 158, 159
- Ok Tedi River, 180
- Ona, Francis, 146
- Onabasulu, 66, 103, 104
- One Arm Point, 200, 201, 203, 204
- Organic Law on Provincial Government and Local-Level Governments*, 19, 112, 150
- outstation movement, 202–4,
- in Queensland, 284
 - in Western Australia, 203, 215, 216
 - decentralisation of, 215
- outstation settlement, 204–5
- outstations, 7
- incorporation of, **199–221**
- Owen, Captain, 181
- 'owned commons', **173–98**
- Panguna copper mine, 157
- Panguna Landowners Association, 146, 156
- Papua New Guinea (see also 'PNG')
- Australian Administration, 17, 18, 44, 51, 55, 78
 - Constitution, 18, 19, 24, 35, 137
 - 'Eight Aims'/Eight Point Plan, 58, 59
 - National Goals and Directive Principles of, 18, 36
 - Constitutional Planning Committee, 163
 - Department of Lands and Physical Planning, 98, 121, 149
 - Department of Minerals and Energy, 84, 98
 - Department of Mining and Petroleum, 33
 - Department of National Planning and Implementation, 152
 - Department of Petroleum and Energy (DPE), 98, 100, 107, 121
 - Gas Project, 9, 108, 112
 - Gas Project Social Impact Assessment (2005), 113
 - Independence, x, 57
 - Law Reform Commission, 60
 - Plantation Redistribution Scheme, 26, 28

- Post Courier*, 15, 160, 161
 Provincial Government Lands
 Division, 42, 52
 Urban Settlement Planning Project, 29, 30
 pastoral leases, 274
 patrifiates, 209, 213, 216
 patrifiation, 208
 patrilineal descent groups ('clans'), xii, 67, 106, 184, 185, 186, 187, 226, 242
 patrilineal rights, 46
 Pennefather, Captain, 180, 181
Petroleum Act (PNG), 121, 151
 Petroleum Development Licence (PDL)
 areas, 99, 100, 101, 102, 118, 129
Petroleum (Project Benefits) Act, 152, 154
 Petroleum Prospecting and Development Licences, 145
 Petroleum Retention Licence, 112
 pigs
 ceremonial kills, 114
 customary exchange of, 109
 fights over, 131
 Pintupu, the, xi
 Pipeline Licence, 99
 Pirandello, Luigi, 73, 74, 76, 80, 88
 place, indigenous relations to, 11
 Placer Dome, 78, 79
 places of significance, 8
 PNG (see also 'Papua New Guinea')
 landowner registration, 3
 'land summit' (2005), 15
 mineral exploration/extraction, 3, 12
 oil and gas development in, 97
 'politics of acknowledgement', 75, 91
 Porgera Agreements, 84, 86
 authorised agents, 84, 86, 87, 88
 Porgera district, 9,
 forging landowner identity in, 73–96
 'seven-clan system', 78–80, 84
 sub-clans, 86
 Porgera gold mine, 74, 77, 79, 90, 105, 153
 Porgera Land Study, 84–8
 Port Moresby riots, 12
 Power, Tony, 30, 31, 74, 118, 121, 125, 126, 130, 147, 149, 156, 161, 162, 163
 prescribed body corporate, 7
 Prescribed Bodies Corporate (PBCs), 178, 195,
 under ACAA, 278–82
 Coen subregion model, 290–2
 Wik subregion model, 287–90
 under NTA, 211–2, 275
Provincial Land Act (PNG), 148
 proximate title, 10
 group ownership of, 178–9
 handling of (Australia), 177–8
 handling of (PNG), 176–7
 Queensland Government, 192, 278, 281, 282
 Rabaul, 39, 41, 44
 Radcliffe-Brown, A.R., x, 8, 119
 Ramu Sugar Ltd, 160
 Ranger Uranium Environmental Inquiry, 253
 Reeves Review, 224
 Registered Native Title Body Corporate, 199
 Registrar of Aboriginal Corporations, 205
 Registrar of Incorporated Land Groups, 27, 30
 Registrar of Titles (ROT), 98, 100, 107
 Reid, John, 84, 86
 'replacement paradigm', 24
 resource acquisition and land tenure, 211
 Resource Assessment Commission, 267, 268, 270
 resource boom, 5
 resource dependency, 135, 139
 resource developers, 93, 98, 99,
 resource development, 135, 138
 resource industry, 5
 resource rents and incomes, 5
 Richardson, Graham, 265
 royalties/benefits (see also 'compensation payments'), 60, 223, 232
 distribution of, 31, 68, 101, 105, 114, 117, 120, 123, 127, 136, 155, 243, 244
 Sawianoo, 67
 Scott, James, 74
Seeing Like A State, 7

- Sikut, 40, 42, 43, 55
Six Characters in Search of an Author, 73, 88, 89
 Smith, Adam, 139
 Somare, Michael, 18
 Somare government, the, x
 Special Mining Lease, 79, 80, 86
 Special Purpose Lease, 203
 Sunday Island, 209
 Sunday Island Mission, 210
- Tanami Desert, 223
 creation of blocks, 232
 gold exploration and mining in, 227, 229–31, 233, 244
 land claims in, 226–8
 mineral royalties, 223
 mining leases, 224
 Tanami Joint Venture, 229
 Task Force on Customary Land Issues, 144
 Telefol settlements, 61
 Telefolmin, 61, 62, 63
terra nullius, 181
 Thursday Island, 181, 183
 Timber permits, 145, 149, 150
 Timber Rights Purchase Agreements, 146
 Tindale, Norman, 4
 Tolai, the, 5, 39, 42, 52
 land tenure, 10
 society, 45
tombeni akali, 83, 88
 Toohey, Justice, ix
 ToPirit, 42, 43, 44
 Torres Strait Islands, 11, 176
 Torres Strait Regional Authority, 196
 traditional land, force collectivisation of, 195
 traditional owners, 176, 270
 approaches to identification of, 176–88
 ‘tribe’, concept of, 11
 Turama Forest Industries, 149
- unalienated land, 260
 underlying title, 10, 176
 unilineal descent, 9, 10, 67, 163
 African model, 163, 165
 United Aborigines Mission, 201
- United Nations Food and Agriculture Organization (FAO), 23
 Untou solution, 65
 Untoumin, 62
 reinvention of, 64
 Upper South Alligator Bula Complex, 256
- vandalism, 285
 Vanstone, Amanda, 1
 Von Sturmer, John, xi
- Wagner, Roy, 68–9
wantoks, 86
 Ward, Dr Alan, 26
 Warlpiri (*yapa*), the, 10, 223, 231, 241
 conceptions of space and place, 223, 225, 238, 241, 244
 gradation of place, 243
 mining agreements, 229
 places of significance (see also ‘mapping’), 223, 227, 231, 233, 234, 235, 241
 relations to the land, 224
 site clearance, 238, 239
 freeze-frame methodology, 236–7
 social categories, 235–6
 work area clearance, 239–40
 Western administration, 175
 Western legal forms, 8, 75, 91, 175, 194
 Wik Native Title High Court Action (see also ‘Cape York Peninsula’), 283
 Woodward, A.E., x
 Wopkaimin, 190, 191, 192, 193
 World Bank, 15, 19, 22, 30, 41, 59, 149, 159, 164
 Land Evaluation and Demarcation (LEAD) project, 22
 Land Mobilisation Project (LMP), 22
 Project Identification Mission, 22
 Wudal, 44, 45, 46, 55
- Yakaya Business Group, 187
yame, 9, 82, 83
 Yorta Yorta decision, 10