

Cambridge University Press

978-0-521-01190-7 - Native Title in Australia: An Ethnographic Perspective

Peter Sutton

Index

[More information](#)

# Index

- Aboriginal Land Act 1991* (Queensland) 18, 133, 211
- Aboriginal Land Rights (Northern Territory) Act 1976* (Commonwealth) xiv, xv, 10, 18, 86, 107, 108–9, 147, 191
- Aboriginal Law and laws xvi, 21, 22–3, 25–6, 32–7, 112–16
- agnates 198
- Alpher, Barry 163
- Altman, Jon 29
- ambilineal descent 196–9
- Amunturrngu (Mount Liebig) people 61
- ancestors 190
- Anderson, Christopher 2, 58
- Antakirinya people 61
- anthropology  
and Aboriginal land tenure xviii, 38–9, 52, 53, 55, 57–9, 61–2, 80, 85–6, 87–8, 91, 137–8, 145–6, 178  
and Aboriginal localism 90–2  
of Aboriginal regions 91, 92–4  
and land claims 85–6, 87–8  
and regional studies 91, 94–7  
writing 171–2
- Arnhem Land 21, 50, 71, 72, 74, 75, 104, 116, 127, 149, 164
- Arnernte people 50, 91
- Bagshaw, Geoffrey 107
- Balangarra people 54
- Barker, Grahame 51
- Bates, Daisy 44, 62
- Bathurst Island 50
- Beckett, Jeremy 230
- Belyuen people 108–9
- Berndt, Ronald and Catherine 50, 94, 97
- Biddle, Ellen 230
- Borrooloola region 16
- Breen, Gavan 163
- Burketown 5
- bush tucker 28
- Campbell, Lyle 163
- Cape Keerweer 75, 127, 130, 165
- Cape Melville* (case) 6, 211, 223
- Cape York Peninsula 2, 3, 17, 18, 51, 58, 59, 61, 71, 73, 75, 79, 80, 107, 113, 123, 127, 133, 156, 164, 165
- Central Australia 50
- Central Land Council 86
- Chase, Athol 227
- ‘clans’ 39–40, 41–2, 46, 49, 51, 99, 152, 155–6, 157
- codification and native title 16, 18
- cognatic descent groups 198, 208, 209, 210, 212, 213, 214–15, 220–1, 226–31
- composition 219
- stratification 224
- structure 217–18
- surname groups 225–6
- transformations in local organisations 222–4
- collective land rights 27–9
- ‘communities’, Aboriginal xix, 42, 67, 98–109
- complementary filiation 194–6
- conjoint succession 6
- contingent rights 12–21, 36–7
- core rights 12–21, 25–6, 36–7
- co-residence and land ownership 2
- corporations 153–8
- country  
Aboriginal customary law 25–6  
co-ownership 23  
groups, indigenous 54–66, 160–5  
as property, basic characteristics of Aboriginal 21–3  
right to exclude from 25–6  
rights to 2, 16–17, 23, 91–2  
sub-estate 67–8

Cambridge University Press

978-0-521-01190-7 - Native Title in Australia: An Ethnographic Perspective

Peter Sutton

Index

[More information](#)

- temporary travelling and minimal rights 23
- territorial permissions 23–4
- use of and access to 23–5, 99
- Cox Peninsula 108
- Croker Island* (case) 139
- cultural conditions, classical Aboriginal 59–63
- cultural difference and native title 65–6
- cultural formations and practices
  - ‘classical’ and ‘post-classical’ xvii, 213
- cultural production 158
- cultural regions 91–2, 94
- ‘culture blocks’ 49
- custodianship 124–5
- customary law, Aboriginal xvi, 21, 22–3, 25–6, 32–7, 112–16
- customs, traditional xvi, 22–3, 25–6, 32–7, 113–16
- dalnyin* 6
- Daly River 51, 74, 167–72
- Darwin fringe-dwellers 146–8
- Davidson, D.S. 160–1
- Davies, Jocelyn 224
- descent 189–91, 229–31
  - groups 188
  - and land claims 191–4, 211
  - matrilineal 40, 42, 47–8, 52, 105, 107, 190–1, 192, 196–9, 200–5
  - patrilineal 40, 45, 47–9, 50, 52, 105–6, 107, 152, 156, 167–72, 190–1, 196–9
  - tribal membership 213–14
  - see also* cognatic descent group
- Dixon, R.M.W. 76, 163, 164
- domestic space 67
- Doohan, Kim 56
- Dousset, Laurent 177
- Dreaming
  - conceptions 28, 113
  - and landscapes 117, 118
  - narratives and sites 83, 159
  - tracks 6, 7, 11, 27, 69, 90, 99, 118, 122, 159
- economic use rights 28–9
- economies of economics 23, 29
- economies of meaning and land tenure 23, 96
- Edmunds, Mary 86
- Elias, Derek 100
- Elkin, A.P. 50, 202, 209, 226
- estate groups 58–9, 68, 128
- estate proximity 3
- estate sets 66–75
  - contiguous 73–5
  - non-contiguous 70–3
- estates
  - and disputed proximate title 122, 125
  - untenanted 6
- Eyre Peninsula 5
- ‘family’ 46, 206–9, 213
  - freedom of choice 214–17
  - membership criteria 217
  - surname groups 225–6
- filiation 156, 161, 188, 213
  - complementary 194–6
  - and land claims 191–4
- Finniss River* (case) 5, 86
- fishing 2, 17, 18, 29–32
- Fison, Lorimer 38, 39–44, 101
- Flinders, Johnny 3
- Fortes, Meyer 178
- Fraser, John 94
- Freeman, Derek 212, 227
- Ganggalida people 5
- Gajerrong people 54
- gathering 29–32
- gender 52, 187
- genealogical evidence
  - actual and classificatory kin 184–5
  - ancestors 160–5
  - ego and propositus 186–7
  - and family 208–9
  - kin-term semantics 182–3
  - and land claims 173, 211, 214–15
  - matrilineal descent 40, 42, 47–8, 52, 105, 107, 190–1, 192, 196–9, 200–5
  - patrilineal descent 40, 45, 47–9, 50, 52, 105–6, 107, 152, 156, 167–72, 190–1, 196–9
  - primary and extended meanings 185–6
  - regional Aboriginal identity 211
  - terminology 40–3, 46–9, 52, 179–205
  - visual symbols 179–82
  - see also* descent; family
- generic rights 17–18
- George, Jean 130
- George Gill Range 97
- Giddens, Anthony 158
- Gidjingali people 104–7
- Gippsland 39–40, 170
- Gluckman, Max 16
- Gove Peninsula, land rights xiv
- Groote Eylandt 50–1, 168
- group names 62
- group succession 5–8
- Gumbert, Marc 107–8
- Hagen, Rod 86
- Hamilton, Annette 143, 193
- Hausfeld, Russell 231
- Haviland, John 162–3
- Hercus, Luise 162, 201
- Hermannsburg 97
- Hiatt, L.R. 21, 38, 39, 49, 50–2, 99, 104–7
- ‘historical people’, rights of 18–19, 37
- Hooker Creek 100
- Hopevale* 14
- ‘horde’ 39–42, 46, 47–8, 50, 51, 52
- Hosokawa, Komei 155
- Howitt, A.W. 38, 39–44, 96, 101, 170

## 276 | INDEX

- hunting 29–32
- identity, regional Aboriginal 211  
 inchoate rights 9  
 indigenous terms for Aboriginal Law 113  
 individual land rights 27–9, 66–7, 85–6  
 Inglis, Judy 224  
 initiation ceremonies 43–4  
 Injilarija people 5  
 Irinyili, Mick McLean 162
- Jackson, Michael 101  
 Jacobs, Jane 216  
*Jawoyn* (case) 6  
 Jawoyn people 72, 183  
*jungkayi* 6
- Kaanju people 133  
 Kaberry, Phyllis 50  
 Kariera people 44–5, 47, 68  
 Kariera tribal country 44–5, 68  
 Kaytetye people 12  
 Keen, Ian 96, 97, 116, 117, 119, 127, 130, 141, 144, 149, 150–3, 155, 156–7  
 Kelly, Caroline 231  
 Kimberleys 50, 71  
 kin superclasses 74, 203, 204  
 kinship xvii, xviii, 15–16, 44, 173–8, 182–7, 208, 215–16, 229–31  
   parallel versus cross 199–200  
   post-classical 226–8  
 Kolig, Erich 127  
 Krauatungalung people 41  
 Kukatha people 5  
 Kuku Yalanji people 58–9  
 Kurnai people 40, 41, 170
- label extinction 62  
 Lacrosse Island 54  
*Lake Amadeus* (case) 5, 86, 193  
*Lakefield* (case) 6  
 Lamalama people 61, 73
- land claims  
   access and use of country 23–4, 99  
   and anthropologists 85–6, 87–8  
   assigning of titles 109–10  
   atomism versus collectivism 85–7, 109  
   complementary filiation 194–6  
   ‘default’ mechanisms 5–6, 16–17  
   descent and filiation 191–4, 211  
   disagreements 120, 125, 130  
   and genealogical relationships 173, 211, 213, 214–15  
   Northern Territory 39  
   Queensland 39, 211–12
- land connection  
   and claimant groups 5–8, 56–7  
   degrees of connection versus kinds of rights 4–12  
   linguistic evidence 128–30  
   ranking of 10–12
- land occupation, physical and cultural 5, 51–2
- land ownership  
   Aboriginal context 99–100, 130  
   and autonomy 130–4  
   collective 44  
   definition 131–3  
   and identity 81–4  
   rights and privileges 2–3
- land rents and royalties 23
- land rights  
   and Aboriginal customary law 21  
   assigning of titles 109–10  
   coexistent 32–7  
   core and contingent 12–21, 25–6, 36–7  
   to country 2  
   country, right to exclude from 25–6  
   country, use of and access to 23–5, 99  
   country as property 21–3  
   ‘default’ mechanisms 5–6, 16–17  
   definition 26–32  
   degrees of connection versus kinds of rights 4–12  
   generic and specific 17–18  
   group succession 5–8  
   holders, identification of 81–4  
   and hunting, fishing, gathering 29–32  
   inchoate 9  
   individual and collective 27–9, 66, 85–6  
   and language groups 80, 216  
   and pastoralism 32–7  
   personal ownership 2  
   presumptive and subsidiary 9–10  
   primary 4–5, 7–8, 9, 10, 16–17, 211  
   private ownership 1–2  
   proximate entitlements xix, 116–21, 122, 123–6  
   and ranking of connections 10–12  
   regional basis of local entitlements 89–90  
   regions and ‘nations’ 90–2  
   secondary 4–5, 7–8, 9, 10  
   starting research on a claim 87–8  
   and temporary travellers 23  
   ‘traditional owners’ versus ‘historical people’ 18–19, 37  
   transmission of 14–17  
   underlying titles 116–22  
   unmediated and mediated 4–5  
   *see also* native title
- land tenure xix, 23  
   and anthropology xviii, 38–9, 52, 53, 55, 57–9, 61–2, 80, 85–6, 87–8, 137–8, 145–6, 178  
   classical 159  
   classical and post-classical 213–14  
   and classical cultural boundaries 59–63  
   complementary filiation 194–6  
   cultural and social regions 91–2

- descent and filiation 191–4  
 disagreements 130  
 and economies of meaning 23, 96  
 and families 207, 213  
 identity and action 63–6  
 linguistic evidence 128–30  
 and local organisation 38–53  
 and pastoral leases 32–7  
 and proximate entitlements xix, 116–21, 122, 123–6  
 and regional politics 91  
 stability of geographic units 126–8  
 and succession 121–2  
 systems 4–5, 59–60, 112, 116–17, 130–4, 137–9, 140–4  
 theory 38  
 and traditional connection 32–3, 111–34  
 underlying titles 116–30
- land use xix, 3–4  
 and group identity 107–8  
 and native title rights 99  
 patterns 111  
 permissions 23–4  
 right to exclude 25–6  
 and singing 99
- lands, distinction between public and private 122–3
- language groups  
 and communities 42, 106  
 and estate group sets 72  
 and land rights 80, 216  
 and marriage 42, 227  
 and native title applications 58–9, 76–8, 80–1  
 size 58–9, 64–5, 79–80
- languages  
 Aboriginal, physical location 34  
 concepts in Aboriginal 11, 42, 128–30  
 families 161–5  
 geographic stability of 162–3  
 and kin 175–6
- Larrakia people 109, 128, 201  
 Lawn Hill 5
- laws and customs, traditional xvi, 21, 22–3, 25–6, 32–7, 112–16
- Layton, Robert 196–7
- legislative background xiv–xvi
- lineages 190–1
- linguistic identities xix, 75–84
- living principles and traditional laws/customs 113–16
- Luritja people 61
- Mabo, Eddie xiv  
*Mabo* judgment xiv, 111–12, 138
- McConvell, Patrick 143
- Macdonald, Gaynor 112
- McIntyre, Greg 56
- McLaren Creek 141–2
- Maddock, Kenneth 112, 148–9  
*Malak Malak* (case) 6, 128, 167–8, 169, 192
- Malinowski, Bronislaw 66
- Mantziaris, Christos 91
- marriage  
 inter-language 42  
 and land ownership 2, 3, 199–200  
 and language groups 227  
 and parallel versus cross kin 199–200  
 and social organisation 47–8
- marriage systems  
 preference 34  
 prescription 148–51
- Martin, David 91
- Mathews, R.H. 94, 203
- matrifilial classes  
 direct 201–3  
 indirect 203–5
- matrifiliation 188, 200–1
- matrilineal descent 40, 42, 47–8, 52, 105, 107, 190–1, 192, 196–9, 200–5
- matriliney versus matrifiliation 200–1
- Meggitt, Mervyn 2, 99, 100–1, 102–3, 104
- Melville Island 50
- Merlan, Francesca 72, 128, 133
- Milirrpum* (case) 11
- Milliken, E.P. 34
- Min.ginda people 5
- Mirarr people 73
- Miriwung people 54
- Mitchell River 71
- moieties, generation 205
- moiety identities 202  
 matrilineal 40, 42, 47–8, 52, 105, 107, 190–1, 192, 196–9, 200–5  
 patrilineal 40, 45, 47–9, 50, 52, 105–6, 107, 152, 156, 167–72, 190–1, 196–9
- Morgan, Lewis Henry 160
- Morton, John 161
- Mount Liebig 61
- Mudbura people 11, 28
- Myers, Fred 23, 82–3, 119, 131, 140, 142, 197
- named groups 63
- names  
 environmental identity 74–5  
 group and territory 59–62
- Nash, David 151
- 'nations', Aboriginal xix, 49, 59, 90–2, 93, 94, 97–8
- native title  
 and Aboriginal customary law 21  
 applications and language groups 76–81  
 applications for determination 12, 57–9  
 atomism versus collectivism 85–7, 109  
 claimants 27–8, 39, 55–7, 63, 85–7, 135–7, 173, 191–4, 211  
 and codification 16, 18  
 and day-to-day cultural difference 65–6

Cambridge University Press

978-0-521-01190-7 - Native Title in Australia: An Ethnographic Perspective

Peter Sutton

Index

[More information](#)

## 278 | INDEX

- native title (*cont'd*)  
 definition 111  
 determinations 54–9  
 and land use 99  
 and language groups 80–1  
 proving 54  
 system 135–7, 139  
*see also* land rights
- Native Title Act 1993* (Commonwealth) xiii,  
 xiv–xv, 1, 54–5, 111–12, 113, 118, 206
- native title holders 54–66, 81–4  
 estates and estate sets 66–75  
 identification 81–4  
 identity and action 63–6  
 labels, groups and territories 59–63  
 levels of resolution 58–9  
 and prescribed bodies corporate (PBCs) 57
- Nauo (Nyawu) 5  
 Ngaliya people 5  
 Niblett, Michael 100  
 ‘nicknames’ 74, 227  
 non-core rights-holder 2
- North East Arnhem Land 151–3  
 Northern Land Council 86  
 Northern Territory 10, 18, 39, 86, 107
- Pangkala people 5  
 Pannell, Sandra 27  
 parentage 187–8  
 parental filiation 188  
 Passi, David xiv  
 pastoralism and land rights 32–7  
 patrification 151–3, 167–72, 188, 200  
 ‘patrilects’ 78–9  
 patrilineal descent 40, 45, 47–9, 50, 52, 105–6,  
 107, 152, 156, 167–72, 190–1, 196–9
- Peak Hill 112  
 permissions, land use and territorial 23–4  
 Peterson, Nicolas 52–3, 96, 100, 128  
 Pink, Olive 122  
 Pintupi people 23, 82–3, 119, 131, 140,  
 92–3  
 Pitjantjatjara people 5, 129  
 place, belonging to xv  
 population collapse due to colonisation 5–6  
 Povinelli, Elizabeth 108–9  
 primary land rights/connections 4–5, 6, 7–8, 9,  
 10, 16–17, 211  
 Princess Charlotte Bay 164  
 production 158–9  
 proximate entitlements xix, 116–21  
 disputed 122, 125  
 divestment of 125–6  
 role of regional elders 123–5
- Radcliffe-Brown, A.R. 21, 38, 44–9, 52, 68  
 Reay, Marie 116  
 regional studies, nineteenth- and early  
 twentieth-century 94–7
- regions  
 and anthropology 91, 94–7  
 cultural and social 42–4, 91–2, 94  
 and ‘nations’ 90–2
- rents, land 23  
 reproduction 158–9  
 research, native title claim 87–8  
 residence and land ownership 2
- Rice, James xiv  
 Riddett, Lyn 34
- rights  
 collective 27–9  
 definition 26–7  
 hunting, fishing, gathering 29–32  
 individual 27–9, 66–7, 85–6
- rights of way 67
- Rigsby, Bruce 67, 73, 164  
 Roper River 6, 71, 124, 128  
 Rose, Frederick 69, 168  
 Rowley, C.D. 222  
 royalties 23
- Sansom, Basil 146–8, 209, 210, 230  
 Schebeck, Bernhard 60  
 Scheffler, H.W. 185, 189  
 Schwab, Jerry 112  
 secondary land rights/connections 4–5, 7–8, 9,  
 10  
 serial filiation 188
- Sharp, Lauriston 24, 66, 75, 96, 97, 149, 178  
 Simpson Desert 162  
*Simpson Desert* (case) 212  
 singing and land use 99
- sites, distinction between public and private  
 122–3
- Smith, Barry 98  
 social formations and practices  
 ‘classical’ and ‘post-classical’ xvii  
 social organisation 40, 42–4, 46, 50, 53, 178  
 post-classic Aboriginal 209–18  
 social regions 91–2, 94  
 social totemic clans 201  
 specific rights 17–18
- Stanner, W.E.H. xix, 22, 39, 50, 51–2, 68, 69,  
 102, 125, 142, 144, 147, 167
- step filiation 188
- Strehlow, T.G.H. 124, 142, 161
- succession  
 conjoint 6  
 and continuity of underlying title 121–2  
 group 5–8  
 individual 5  
 and land tenure 121–2  
 matrilineal 40, 42, 47–8, 52, 105, 107,  
 190–1, 192, 196–9, 200–5  
 patrilineal 40, 45, 47–9, 50, 52, 105–6, 107,  
 152, 156, 167–72, 190–1, 196–9
- surname groups 225–6  
 sweat and landholders 17

Cambridge University Press

978-0-521-01190-7 - Native Title in Australia: An Ethnographic Perspective

Peter Sutton

Index

[More information](#)

- system question and native title 137–9
- Tanami Desert 2, 100
- temporary travelling rights 23
- Tennant Creek 12, 71, 120, 125, 141
- terra nullius* xiv
- territorial naming schemes 60
- territorial permissions 23–4
- territories 75–84
- Thomson, Donald 50
- Tindale, Norman 69, 94, 97, 104
- Tiwi people 50
- Torres Strait Islands xviii
- ‘traditional owners’ 13
- versus ‘historical people’ 18–19, 37
- transmission of rights 14–17
- tribal membership 213–14
- tribal territory 1–2
- ‘tribes’ 42–3, 46, 59, 93, 97, 99
- Trigger, David 116
- Turner, David 64
- Uluru* (case) 196, 197
- underlying titles 116–22
- use rights 3–4, 99
- Vachon, Daniel 27
- Waanyi people 5
- ‘Wallaby Cross’ people 147, 148
- Ward* (case) 54, 56
- Warlmanpa people 11, 12, 131
- Warlpiri people 2, 11, 12, 43, 50, 80, 91, 99–104, 131, 204, 223
- Warner, Lloyd 149
- Warumungu people 11, 12
- Western Desert 3, 11, 23, 27, 36, 50, 61, 69–70, 82–3, 91, 97, 140–4, 159, 164, 165, 177, 190, 193, 196, 197
- Wheeler, Gerald 1–2, 66, 123
- Wik people 18, 29–30, 31–2, 59, 68, 71, 74, 75, 107, 156, 165–6, 177
- Williams, Nancy 6–7, 9, 10, 11, 24, 60, 116, 138, 151, 154, 155
- Wiradjuri people 41, 112, 113, 114, 203
- women
- ‘community’ identity 107
- and descent 40, 41, 42, 47, 52, 105, 107
- and fishing 18
- and marriage system 34, 47, 148–51
- Wootten, Hal 30
- Wujalwujal people 2
- Yankunytjatjara people 5
- Yiithuwarra people 61
- Yir Yoront tribal territory 75, 81
- Yolngu people 9, 127, 149–51, 152–3, 155, 156–7, 158
- Yorta Yorta* (case) 135, 136, 138