

Cases

***Bropho v State of Western Australia* [2007] FCA 519**

The claims in these cases are in respect of alleged racial discrimination. The claims are brought by the applicant on behalf of former Aboriginal inhabitants of the Reserve in respect of the enactment of the *Reserves (Reserve 43131) Act 2003* (WA) (the Reserves Act) and actions taken under it. It is said the consequences of the Act and actions under it are that the Aboriginal inhabitants are no longer able to manage or reside at the Lockridge Camp of the SVC. It was claimed the Reserves Act and the actions were contrary to the *Racial Discrimination Act 1975* (Cth) (the RDA).

***New South Wales Aboriginal Land Council v Minister Administering the Crown Lands Act* [2007] NSWLEC 158**

Aboriginal:- Aboriginal Land Rights - Land claim - former motor registry in Wagga Wagga - building vacant except for storage of small amount of furniture- whether fact that steps were in place to sell the land when claimed was lodged means that it was "lawfully used" and therefore not "claimable Crown lands" within s 36(1)(b) of Aboriginal Land Rights Act 1983 - interpretation of "lawfully used or occupied" in s 36(1)(b).

***Kullilli People # 2 and Kullilli People # 3 v State of Queensland* [2007] FCA 512**

NATIVE TITLE – Native Title Determination application – Native Title Act 1993 (Cth), s 61 – authority to make application – persons "jointly" comprising the applicant – agreement of all persons comprising the applicant.

PRACTICE AND PROCEDURE – reinstatement application – original dismissal final – discretion to set aside interlocutory judgment in exceptional circumstances – realistic attempt to comply with previous order – Federal Court Rules, O 35 r 7(2).

***Outstanding Landscape Protection Society, Maungaharuru Tangitu Society and Ngati Hineuru Iwi v Hastings District Council & Unison Networks Ltd.* NZ Environmental Court 27/2007**

Windfarm. "The whole ridgeline, and the feature of Te Waka in particular is, for them, an area rich in lore, history and spiritual significance. They hold that the presence of turbines and related infrastructure along it would desecrate a place that is sacred for them".

***Cox on behalf of the Yungngora People v State of Western Australia* [2007] FCA 588**

ABORIGINES – native title – consent determination – whether appropriate and within power – consideration of connection report – determination made.

***Risk v Northern Territory of Australia* [2007] FCAFC 46**

NATIVE TITLE – Native Title Act 1993 (Cth) s 223(1) – rights and interests of claimant groups – whether possessed under traditional laws acknowledged and customs observed – whether traditional laws and customs discontinued – whether trial judge failed to consider relevant oral evidence in determining discontinuance – whether trial judge required to adopt findings of Aboriginal Land Commissioner – identification of laws and customs and composition of claimant group – whether trial judge failed to consider claim of alternative claimant group
Held: No error in trial judge's treatment of evidence, or in conclusion that traditional laws and customs discontinued. Discretion not to adopt findings of Aboriginal Land Commissioner not miscarried. No failure to consider claim of alternative claimant group.

***Wilfred Hicks and Others on behalf of Wong-goo-tt-oo/ Western Australia/ Red River Resources Ltd* [2007] NNTTA 30 (30 March 2007)**

Native title – future act – proposed grant of exploration licence – expedited procedure objection application – whether act likely to interfere directly with the carrying on of community or social activities – whether act likely to interfere with sites of particular significance – whether act likely to cause major disturbance to land or waters – expedited procedure applies.

Events

- [NTRU events calendar](#)

Indigenous Land Use Agreements

- See the [National Native Title Tribunal Website: Browse Registered ILUAs](#).
- Information about specific ILUAs is also available in the [Agreements, Treaties and Negotiated Settlements \(ATNS\) Database](#).
- The [Native Title Research Unit](#) also maintains an [ILUA summary](#) which provides hyperlinks to information on the NNTT and ATNS websites.

Legislation

Native Title Amendment Bill 2006

The Bill received Royal Assent on Sunday April 15. The Act is now [available](#).

Native Title Act 1993 incorporating Act [No.61 of 2007](#)

Native Title Determinations

- See the [National Native Title Tribunal website: Browse Determinations](#)
- The [Agreements, Treaties and Negotiated Settlements \(ATNS\) Database](#) provides information about native title consent determinations and some litigated determinations.
- The [Native Title Research Unit](#) also maintains a [Determinations Summary](#) which provides hyperlinks to determination information on the Austlii, NNTT and ATNS websites.

Native Title in the News

- [NTRU Native title in the News](#)

Publications

Bauman, Toni, 'Nations and tribes 'within': emerging Aboriginal 'nationalisms' in Katherine' (2006) 17(3) *The Australian Journal of Anthropology* 322.

Corbett, Tony 'The National Native Title Tribunal's façade of Indigenous advocacy' (2006) 25(2) *Social Alternatives* 37.

Langton, Marcia, Mazel, Odette and Palmer, Lisa 'The 'spirit' of the thing: the boundaries of Aboriginal economic relations at Australian common law' (2006) 17(3) *The Australian Journal of Anthropology* 307.

Loo, Tse Chee 'The crown as a model litigant' (2007) 8(1) *Native Title News* 5.

McKenna, Marshall 'Wongatha: the importance of authorisation' (2007) 8(1) *Native Title News* 7.

Phillips, Susan 'Retrospective registration following judicial review? - *Wakaman People (No 2)*' (2007) 8(1) *Native Title News* 3.

Porter, Libby 'Rights or containment? : the politics of Aboriginal cultural heritage in Victoria' (2006) 37(3) *Australian Geographer* 355.

Timms, Cathryn 'Negotiation and agreement-making: providing the way forward in Australian native title' (2006) 8 *University of Notre Dame Australia Law Review* 107.

Reviews & Reforms

Maori Fisheries Trust

[Submission on Shared Fisheries To The Ministry Of Fisheries](#)

Standing Committee on Environment, Communications, Information Technology and the Arts

[Conserving Australia: Australia's national parks, conservation reserves and marine protected areas](#)

Recommendation 3 5.76 The committee recommends that all governments give greater priority to Indigenous knowledge and participation in park management generally, and fire management in particular.

Senate Legal and Constitutional Affairs Committee

Inquiry into the Native Title Amendment (Technical Amendments) Bill 2007. [Submissions](#)

Changes to the registration test

See the National Native Title Tribunal's website for [more details](#).