

# Native Title Newsletter

Jan/ Feb 2005

No. 1/2005

## WHAT'S NEW WITH THE NTRU!

Check out our new web-site @  
[www.aiatsis.gov.au/rsrch/ntru/](http://www.aiatsis.gov.au/rsrch/ntru/)

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The Native Title Newsletter is published every second month. The newsletter includes a summary of native title as reported in the press. Although the summary canvasses media from around Australia, it is not intended to be an exhaustive review of developments. The Native Title Newsletter also includes contributions from people involved in native title research and processes. Views expressed in the contributions are those of the authors and do not necessarily reflect the views of the Australian Institute of Aboriginal and Torres Strait Islander Studies.

The Newsletter is also available in ELECTRONIC format. This will provide a FASTER service for you, and will make possible much greater distribution. If you would like to SUBSCRIBE to the Native Title Newsletter electronically, please send an email to [ntru@aiatsis.gov.au](mailto:ntru@aiatsis.gov.au), and you will be helping us provide a better service. Electronic subscription will replace the postal service, please include your postal address so we can cross check our records.

The same service is also available for the Issues Papers series. ISSN 1447-722X



**AIATSIS**  
Australian Institute of Aboriginal  
and Torres Strait Islander Studies

WORLD KNOWLEDGE AND UNDERSTANDING OF AUSTRALIAN INDIGENOUS CULTURES, PAST AND PRESENT



### Staff Movements

The NTRU would like to welcome Diana McCarthy to the Unit. Diana comes to AIATSIS after extensive experience as a consultant anthropologist on native title and land claims in Western Australia and New South Wales. From late January, Glen Fairfoot is now working as a part-time Research Assistant. Serica Mackay ceased working in the Unit and AIATSIS in early February as the Research Officer to take up a Research position in the House of Representatives.

We are sad to report that Sophia Close is finishing up with IFaMP on Tuesday, 8 March. Sophia has been a mainstay of the Project and she will be greatly missed. We wish to thank her for her hard work, and to wish her the very best in her adventures abroad! As Sophia leaves, we welcome Jessi Clements. Jessi has come over from Fremantle, Western Australia, where she was working on non-native title funding, policy and project work for the South West Aboriginal Land & Sea Council (SWALSC).

### Research Activities

Dr Lisa Strelein met with project partners Professor Larissa Behrendt, George Williams and Sean Brennan to finalise the draft of the final work from the Treaty ARC in January. The resulting book will be launched at the Sydney Writers Festival in May.

Dr Bradfield completed a research report for the OIPC titled, 'Comprehensive Settlement of Native Title: the case of the South West'. Stuart also completed a research report titled 'Native Title and the Whole of Government Approach'.

### NTRU Website

Several new resources have been added to the ntru website over the past month. These include:

- Three new research resource pages: *Fejo v Northern Territory*; expert evidence in native title cases; and international law and native title;
- Native Title Determinations Summary table, providing a quick overview of native title determinations with links to relevant on-line resources such as determinations information on the National Native Title Tribunal and Agreements, Treaties and Negotiated Settlements Project websites, and case law on the Australasian Legal Information Institute website document.
- The Native Title Resource Guide is now up and running, if you would like information about your organisation to be added or amended, or if you would like us to host information about your organisation through this website please contact us at [ntru@aiatsis.gov.au](mailto:ntru@aiatsis.gov.au);
- For information about the Claims Research Management Workshop for NTRBs, please see p. 4 (upcoming events) for more info. Information on our website is updated regularly. The ILUA summary document and Native Title in the News will be updated fortnightly.

If you have any suggestions for other information that you would like to see on our website, please contact us by emailing [ntru@aiatsis.gov.au](mailto:ntru@aiatsis.gov.au)

### Indigenous Facilitation and Mediation Project (IFaMP) Update

#### Indigenous and General Native Title Mediation Practitioners Workshop

On the 17 and 18 of February the IFaMP held a workshop with Indigenous native title mediation practitioners to discuss best practice approaches to the facilitation of decision-making and conflict management in native title. The major recommendations arising out of the workshops involve IFaMP seeking funding opportunities for two additional workshops for Indigenous practitioners to focus specifically on:

1. Developing the concept of a national network of accredited and specialised regionally based Indigenous facilitators and mediators, embracing a whole of government approach for the purposes of developing a funding proposal; and
2. Identifying specific processes in best practice Indigenous mediation.

A General Native Title Mediation Practitioner Workshop will be held on 15 and 16 March 2005 to also discuss best practice issues, including the manner in which the legislative framework effects mediation practice in native title.

A report on both workshops will be made available on the website.

#### NTRB Information

A series of short briefing papers and posters are being prepared by IFaMP for Native Title Representative Bodies (NTRBs). A poster concerning meeting procedures, together with an informative handbook detailing meeting facilitation procedures has already been sent out to the NTRBs to be utilised as practical resources. Other documents being prepared include:

1. Briefing paper and larger discussion paper setting out native title mediation complaints processes;
2. Poster that sets out the differences in dispute management processes, including mediation, facilitation, arbitration, conciliation and negotiation;
3. Generic policy concerning decision making and dispute management processes for NTRBs to utilise and tailor to their respective needs; and
4. Booklet that sets out training products and providers in the areas of decision making and dispute management.

#### Check the IFaMP Web Site

<http://www.aiatsis.gov.au/rsrch/ntru/ifamp/index.html>

The following additions can be now be accessed on the IFaMP website:

Bauman, T. and S. Close. 2004. *IFaMP Evaluation Workshop – 18 October 2004: Summary of Proceedings and Outcomes*. Indigenous Facilitation and Mediation Project, Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.  
[http://www.aiatsis.gov.au/rsrch/ntru/ifamp/research/research\\_frameset.html](http://www.aiatsis.gov.au/rsrch/ntru/ifamp/research/research_frameset.html)

Bauman, T. and S. Brockwell. 2004. *Community Mediation Centres - Native Title Representative Bodies Forum 26-27 October 2004: Summary of Proceedings and Outcomes*. Indigenous Facilitation and Mediation Project, Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.  
[http://www.aiatsis.gov.au/rsrch/ntru/ifamp/research/research\\_frameset.html](http://www.aiatsis.gov.au/rsrch/ntru/ifamp/research/research_frameset.html)

Williams, R. 2004. *Native Title Mediation Practice: The Commonalities, The Challenges, The Contradictions (DRAFT Report)*. Indigenous Facilitation and Mediation Project, Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.  
[http://www.aiatsis.gov.au/rsrch/ntru/ifamp/research/research\\_frameset.html](http://www.aiatsis.gov.au/rsrch/ntru/ifamp/research/research_frameset.html)

Bauman, T. and R. Williams. 2004. *Directions, Priorities and Challenges - Final Report: NTRB Workshops -Outcomes and Findings*. Indigenous Facilitation and Mediation Project, Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.  
[http://www.aiatsis.gov.au/rsrch/ntru/ifamp/research/research\\_frameset.html](http://www.aiatsis.gov.au/rsrch/ntru/ifamp/research/research_frameset.html)

IAF. 2002. *Basic Facilitation Skills*. A manual prepared by The Human Leadership and Development Division of the American Society for Quality, The Association for Quality and Participation and The International Association of Facilitators.

[http://www.aiatsis.gov.au/rsrch/ntru/ifamp/practice/practice\\_frameset.html](http://www.aiatsis.gov.au/rsrch/ntru/ifamp/practice/practice_frameset.html)

## UPCOMING EVENTS

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### Claims Research Management Workshop

The Native Title Research Unit is hosting a Claims Research Management workshop for native title representative bodies at the Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra on Tuesday 12 April. This workshop will provide an opportunity for native title practitioners to come together to discuss different approaches to claims research management. The workshop which will run from 9.30am - 5.00pm will include presentations by: Tony Johnson (Gurang Land Council), David Mearns (Northern Land Council), Kingsley Palmer, David Raftery & Ophelia Rubinich (South West Aboriginal Land and Sea Council), Phillipa Sutherland (Victorian Native Title Services) and David Ritter & Nick Smith (Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation). All native title representative bodies are encouraged to participate in this workshop. There is no registration fee and lunch will be provided. To register, or for more information please contact the NTRU by Wednesday 6 April 2005 on telephone 02 6246 1161 or email [ntru@aiatsis.gov.au](mailto:ntru@aiatsis.gov.au).

### The Native Title Conference 1- 3 June 2005 Coffs Harbour, New South Wales

The Australian Institute of Aboriginal and Torres Strait Islander Studies and the New South Wales Native Title Services invite you to join us in Coffs Harbour for the *Native Title Conference 2005; The Human Face of Native Title..* The major themes, key note address and plenary session of this conference are being developed. These will be announced in the near future as will the program but be assured that the calibre and excellence of our speakers will equal that of previous conferences.

The conference will be co-hosted by the local Gambaunggir people of the Coffs Harbour area.

Call for Papers.

The Native Title Unit of AIATSIS call for papers or workshop presentations at this year's Native Title Conference. An abstract of the paper or workshop, plus a one paragraph biography should be sent as an email attachment to [craig.greene@aiatsis.gov.au](mailto:craig.greene@aiatsis.gov.au). The number of available spots for papers/workshops is strictly limited. Papers will be chosen on merit, and applicability to overall themes and streams of the conference. Paper presenters are expected to register and pay for their attendance at the conference.

**Call for papers closing date:**

**5pm Wednesday 20<sup>th</sup> April 2005**

### **Registration**

Type of Registration	Registration Fee
Full Cost (no concession)	\$495.00
Full Registration – concession	\$330.00

Go to:

<http://www.aiatsis.gov.au/rsrch/ntru/events/regform.pdf> to download a PDF version of the registration form.

Contact us

For more information please contact:

**Mr Craig Greene**  
Conference Coordinator  
Ph: +61 2 6246 1171  
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Email: [NTRUConf@aiatsis.gov.au](mailto:NTRUConf@aiatsis.gov.au)

### IFaMP/AIATSIS Seminar Series

The Indigenous Facilitation and Mediation Project of the Native Title Research Unit is convening the AIATSIS Seminar Series for

Semester 1 of 2005, with Seminars each Monday in the AIATSIS Mabo Room from 12.30pm to 2pm. The Series, entitled *Native Title, Decision-making and Conflict Management* will conclude on 23 May.

A wide variety of speakers from around Australia will explore the policy and practices of managing native title claims, disputes and competing interests in land matters. Check [www.aiatsis.gov.au/rsrch/seminars.htm](http://www.aiatsis.gov.au/rsrch/seminars.htm) for the full program. Speakers include:

07 March	Ms Kurt Noble
14 March	Ms Kerrie Tim
22 March (Tuesday)	Mr James Weiner and Mr John Burton
04 April	Ms Rosalind Webb
11 April	Mr Tony Lee
18 April	Ms Michelle Cochrane and Ms Allison Halliday
26 April (Tuesday)	Ms Toni Bauman
02 May	Ms Valerie Cooms and Prof. Mick Dodson
09 May	Ms Rhiân Williams
16 May	Mr Morgan Brigg and Mr Pat McIntyre

## WHATS NEW

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### Publications

The NNTT Native Title Hotspots #13 was complete during January and is available on the NNTT website. It is a quarterly publication which incorporates summaries of recent cases in the development of native title law, native title determinations and other related decisions. It is available at: [http://www.nntt.gov.au/metacard/files/HotSpots/Hot\\_Spots\\_Number\\_13.pdf](http://www.nntt.gov.au/metacard/files/HotSpots/Hot_Spots_Number_13.pdf)

### Reports

The National Native Title Tribunal has received a report from Dr David Martin of Anthropos Consulting Services, titled: A Pilot mentoring project for junior NTRB anthropologists. One of the goals of the report was to contribute to the capacity of NTRB's to perform their functions by improving their anthropological expertise in their service. A

23 May

Dr Patrick Sullivan

The Series commenced on 28 February with a presentation by Mr Parry Agius, the Executive Officer of the Native Title Unit of the Aboriginal Legal Rights Movement Incorporated (ALRM) in South Australia.

Parry is a Narungga man whose people are the traditional owners of the land and waters in and around the Yorke Peninsula district. Parry discussed the Central West Mediation Strategy (CWMS), and the innovative mediations that took place at Spear Creek in Port Augusta in 2003. These addressed the need to resolve multiple overlapping native title claims and related disputes that arose. The Spear Creek Project, managed by ALRM as the Native Title Representative Body in the region, involved 400 Aboriginal participants from Western Australia and South Australia, and culminated in a six-day comprehensive program.

You can receive weekly reminders and information on AIATSIS seminars by subscribing to our email list:

[researchseminars@aiatsis.gov.au](mailto:researchseminars@aiatsis.gov.au).

full version of the report can be accessed by the following link:

<http://www.anthropos.com.au/Publications/Anthropologists%20mentoring%20pilot%20-%20final%20report.pdf>

The Ministerial Council on Mineral and Petroleum Resources have released a draft report on the Principles for Engagement with Communities and Stakeholders. Part of the report addresses cultural characteristics of communities and stakeholders, including identifying and understanding community issues, acknowledging and respecting the diversity of communities and respecting the culture and heritage of local communities, including Indigenous people. A copy of the full draft report is available at: [http://www.nrm.qld.gov.au/mines/publications/pdf/eng\\_prin\\_draft\\_consult.pdf](http://www.nrm.qld.gov.au/mines/publications/pdf/eng_prin_draft_consult.pdf)

### Conferences

The 12<sup>th</sup> Annual Cultural Heritage and Native Title Conference is being held at the Duxton Hotel in Perth from the 19-21 April 2005. For more information including agenda and costings, please refer to the following link:  
[http://www.iir.com.au/conferences/confdetail.html?detail=I0276.html&cat\\_code=resources&conf\\_code=I0276](http://www.iir.com.au/conferences/confdetail.html?detail=I0276.html&cat_code=resources&conf_code=I0276)

The National Indigenous Land and Sea Management Conference is being held at Ross River Homestead approximately 83km east of Alice Springs on the Ross Highway from the

19-21 April 2005. Information about this conference is available at:  
<http://www.clc.org.au/OurLand/conference.asp>

#### Websites

The Northern Territory Government has created a website on the *Parks and Reserves (Framework for the Future) Act*. The website can be viewed at: <http://www.dcm.nt.gov.au/dcm/parks/index.shtml>

## FEATURE

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### Five Communities Join Native Title History

By the Torres Strait Regional Authority (TSRA).

In a remarkable week, the Torres Strait Islands of Erub, Ugar, Iama, Badu and Boigu made the history books in December 2004 after receiving their native title from the Federal Court of Australia, marking a major milestone for the region.

The Federal Court of Australia travelled to each of the five Islands to conduct a special sitting of the Court, which was attended by traditional owners for the purpose of formally recognising their native title rights.

TSRA Chairperson, Mr Toshie Kris said the entire Torres Strait celebrated this moment in history, which signified the recognition of native title over the last of Torres Strait's community Islands in which claims were lodged under the *Native Title Act (Cth) 1993*.

"Our people's struggle for native title land recognition started with Mer Island and the Mabo case in 1992 and I was privileged to see this legacy continue and witness the last of 14 island communities being granted their native title rights over their islands," Mr Kris said.

"Native title is about being recognised as owners of this land and for our spiritual and cultural connections with our land and sea. It's our heritage and gives meaning to our lives and that's why it's so important."

"We have fought long and hard to secure this recognition and I would like to commend the traditional owners of all five recent claims for their ongoing commitment and resilience – it has not been an easy path for anyone involved but the decision by the Federal Court of Australia has made it all worth it."

"The TSRA's Native Title Office, under direction from the Islands' traditional owners, had been in protracted negotiation with the State of Queensland for the previous 4 years to achieve this recognition."

"The consent determinations were being blocked by the State's position that native title had been extinguished over all land on which works to benefit the native title holders had been built, for instance local community housing and community infrastructure."

"Clearly, this was a major hurdle for the communities and we are all extremely relieved that the State agreed to recognise exclusive native title over the areas claimed by each of the five Torres Strait Island communities."

"The TSRA's Native Title Office has had a challenging task of advancing these claims and should be commended."

"It has been like a long journey and we have made it home with our integrity, cultural pride and determination strengthened," Mr Kris said.

## NATIVE TITLE IN THE NEWS

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### National

Mining companies are calling on the Federal Government to increase funding for native title applications. The underfunding of Native Title Representative Bodies (NTRB) are creating lengthy backlogs and force companies to fund claimants so they can negotiate. Submissions by the mining companies to the Federal Parliamentary inquiry into NTRB's represent a shift in thinking from eight years ago, when mining companies suggested the government decrease the level of financial assistance. *Australian Financial Review*, pg 3. 14-Feb-05.

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### New South Wales

The Yuwaalaraay people from the Lightning Ridge area are completing the final stages of their Indigenous Land Use Agreement (ILUA). The claim stretches from Angledool to the Collarenebri Road and from the western side of Narran Lake to the Big Warrambool. The agreement will not preclude mining in the region, although cultural and sacred sites will be protected in the interim. *Black Opal Advocate*, pg 5. 09-Feb-05. Yuwaalaraay people.

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Barkandji Aboriginal claimant Dorothy Lawson is preparing to seek compensatory payments from the NSW Government following the extinguishment of native title rights at Lake Victoria. Mrs Lawson has opted to take this action following the loss of appeal against a decision by the Federal Court in November 2003. *Mildura Independent Star*, pg 1. 23-Jan-05. Barkandji people.

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### Northern Territory

A Northern Territory Government spokesperson has said the government is well on its way to establishing the nation's most advanced national parks system. So far there

have been 27 agreements reached with traditional owners over parks and reserves. Special legislation will be introduced in February 2005, allowing the traditional owners time to consider their position. *Koori Mail*, pg 6. 12-Jan-05.

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The Federal Court has recognised the Yolngu people's native title rights and interests over the land and waters claimed in the Blue Mud Bay region in Northern Territory's east Arnhem Land region. The claim originally lodged in November 2002, is 1,489 sq km in size and is located 50 km north-west of Groote Eylandt. *NNTT Media Release*. 08-Feb-05. Blue Mud Bay No. 2.

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The Koongarra Group has agreed to talk with French uranium mining company AREVA in relation to mining in the Kakadu region. Northern Land Council's Chief Executive Norman Fry said the traditional owners would view their proposal and then decide within the year whether or not to allow AREVA to open a mine three kilometres east of Nourlangie Rock. *Sydney Morning Herald*, pg 7. 17-Feb-05. Koongarra people.

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Uranium miner, Energy Resources of Australia (ERA) have signed an agreement with the Mirarr people which will allow them to further explore the Jabiluka mine lease in the Kakadu. The Mirarr people will however have the right to veto any future mining in the area. The agreement comes three years after it was mooted. *Toowoomba Chronicle*, pg 15. 26-Feb-05. Mirarr people.

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### Queensland

An industrial estate in Hughenden is underway with one block of land already sold and a number of others in the pipeline for sale. The land in question was transferred into freehold land after Flinders Shire Council signed an

ILUA with the Yirandali native title group in early 2003. In December 2003, 35 hectares of land to the west of Hughenden was also sold in an attempt to boost development in the region. The area is located between the Flinders Highway and the cattle saleyards with block sizes ranging from 1800sq metres to 10,000 sq metres. Two hectares of the land will also be transferred to the Yirandali people as part of the agreement. *North-West Star*, pg 5. 12-Jan-05. Yirandali native title group. QC00/9; Q6008/00.

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The Kombumerri people have opposed the construction of a 5m wide 550m long walkway along the dunes adjacent to Main Beach, Gold Coast saying it is culturally offensive. The Kombumerri people who are traditional owners of a portion of the land have written to the city council asking that it stop the project. The group have said they are prepared to take the issue to the Federal Court using customary custodianship laws to stop its construction. *Weekend Gold Coast Bulletin*, pg 9. 15-Jan-05. Kombumerri people.

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Bruce Little and Dale Leslie Brown recently appeared at the Bundaberg Magistrates Court for a summary hearing. Both men are charged with illegally harpooning a dugong at Woodgate Beach on 08 July last year. Dalungbara Elder John Dalungdalee-Jones, in support of Mr Little and Mr Brown, has stated that both men have the right to hunt dugong under native title legislation. *News Mail*, pg 2. 20-Jan-05.

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Dr Eve Fesl, spokeswoman for the Gubbi Gubbi people recently had her application to discontinue her claim granted by the Federal Court. Dr Fesl moved to strike out her claim due to concerns she was not properly authorised according to traditional consensus decision-making, to act on behalf of the Gubbi Gubbi people. The Federal Court also refused a motion by other Gubbi Gubbi members to replace her as the recognised applicant. *Sunshine Coast Daily*, pg 5. 24-Feb-

05. Gubbi Gubbi people. QC99/35, Q6034/99.

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The North Queensland Land Council (NQLC) is lobbying the Federal Government for a license to allow Indigenous people to hunt and export native plants and animals from traditional lands. NQLC spokesperson Terry O'Shane, said that Indigenous people should be given the opportunity to monitor wildlife numbers and be allowed to play a role in the management of pests, such as the cane toad. *Cooktown Local News*, pg 5. 02-Feb-05.

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Queensland Conservation Council coordinator Toby Hutcheon has denounced calls by Terry O'Shane, Chairman of the North Queensland Land Council, to allow Indigenous people to harvest endangered Australian species and sell them to private overseas collectors. Hutcheon argued that the proposal may be detrimental to Australia's international reputation as a leader on conservation issues. Mr O'Shane said the animals and plants would be harvested in native title areas, national parks and where Indigenous people had an Indigenous Land Use Agreement (ILUA), with the monies injected into struggling Indigenous communities. *Bendigo Advertiser*, pg 12. 11-Jan-05.

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### South Australia

More than 200 South Australian pastoral leaseholders have been sent information packs about the process of developing an Indigenous Land Use Agreement (ILUA). The information pack took three years to produce through joint efforts from the South Australian Government, farmers, other industries and Indigenous Groups and demonstrates the advantages of agreement rather than litigation through the court system. *Border Watch*, pg 17. 14-Jan-05.

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The South Australian Native Title Representative Body, the Aboriginal Legal Rights



Movement - Native Title Unit (ALRM NTU), are reaching results due to a new model they have introduced. Introduced five years ago, this process of negotiation follows the same manner of negotiations as laid out in Indigenous Land Use Agreement (ILUA) negotiations. Executive Officer Parry Agius, has said the process builds structure and allows Aboriginal people to sit at the negotiation table to discuss matters pertinent to them. *Koori Mail*, pg 7/*Independent weekly*, pg 6. 09-Feb-05.

## Victoria

The new Victorian State Planning Minister, Rob Hulls, has expressed concern about the Glenelg Shire Council's permit for subdivision of an eight-lot block with regard to the Gunditjmarra native title claim, ahead of his visit to the region. Mr Hulls will visit the site of the major development dispute between the Council, landowners, Heritage Victoria and local Indigenous group and discuss the claim with all involved. *Portland Observer*, pg 1. 09-Feb-05. Gunditjmarra native title claim. VC99/7; VID6004/98.

A historic meeting of 21 Victorian Indigenous groups took place in Melbourne to call on the State Government to quicken the process of native title claims. The Indigenous groups united to demonstrate to the government that they were tired of delays in relation to the recognition of their native title rights and interests. There are currently 11 rural claims in Victoria pending, with the majority of them having been before the Federal Court for approximately six years. *Age*, pg 6. 17-Feb-05.

Maldon Museum and Archives are required to go through the native title process before they are allowed to build the Aunty Jack Museum. The new museum will house Maldon's collection of agricultural machinery including the large old Aunty Jack steam engine. Project leader Roger Palmer was surprised at hearing this as he thought all native title issues were resolved early last year. Mr Palmer

hopes the facility will be completed by the end of the year. *Tarrangower Times*, pg 5. 18-Feb-05.

The long running Gunditjmarra native title claim could be nearing an outcome according to Victoria's native title representative body. Native Title Services Victoria CEO Chris Marshall said negotiations between the Gunditjmarra claimants and the State Government might be finalised before the hearing date scheduled for (29 March to 01 April). The claim covers approximately 109,000 hectares of Crown land across seven municipalities in Victoria and South Australia. It extends from the South Australian border to Shaw River in the east and the Grampians National Park in the States north. *Hamilton Spectator*, pg 17. 19-Feb-05. Gunditjmarra people. VC99/7; VID6004/98.

## Western Australia

City of Swan councillors have agreed to negotiate an agreement which will allow the City of Swan to consult with the South West Aboriginal Land and Sea Council regarding the Noongar peoples combined native title claim in the South West of Western Australia. *Midland Reporter*, pg 9. 11-Jan-05. Noongar People Native Title Claim. WC03/6; W6006/03. WC03/7; W6012/03.

The Yungngora people near Fitzroy Crossing have come a step closer to recognition of their native title rights and interests, with the Western Australian Government announcing support for the native title agreement. The claim is 1811 sq kilometres in size, located west of Fitzroy Crossing and covers the Noonkanbah pastoral lease. Parties to the agreement will include the Shire of Derby West Kimberley, Diamond Rose and the Kimberley Land Council on behalf of the Yungngora people. *Kimberley Times*, pg 3. 13-Jan-05. Yungngora claim.

Carol Martin, Labor MP for the Kimberley has mentioned there may be resistance from traditional owners if a canal project proposed by Western Australia's Opposition Leader Colin Barnett is given the go-ahead. Ms Martin has said the Indigenous communities had not been consulted about the Liberal State Government promise to build a \$2 billion, 3700 km canal to channel water from the Fitzroy River to Perth, and that the project made a mockery of native title provisions. Mr Barnett stated that the canal is the only realistic solution to Western Australia's sparse water supply. *The Australian*, pg 7. 09-Feb-05.

The Kimberley Land Council (KLC) is opposed to the West Australian Opposition Leader's plan to build a canal from the Fitzroy River to Perth. Executive Director Wayne Bergmann said that the Indigenous communities needed to be consulted in relation to any future development. West Australian Premier Dr Geoff Gallop said that examination of the implications of a project needed to be completed and a tender process needed to take place. National Native Title Tribunal Deputy President Fred Chaney stated the canal plan had major native title and heritage implications, and that communities along the route would need to be consulted. *Koori Mail*, pg 6. 09-Feb-05.

The Karajarri people, native title holders over thousands of sq kilometres in the Kimberley, have said they will oppose Colin Barnett's plan to build a water canal through Western Australia, if he wins office. The Karajarri people were awarded exclusive possession over an area south of Broome in September 2004. There are around 20 claim groups in Western Australia that the proposed canal will affect. *Western Australian*, pg 7. 22-Feb-05. Karajarri people.

The Western Australian Government recently announced that the largest native title settlement in the nation's history had been reached. Involving 188,000sq km of land in the State's central desert region, Deputy Premier Eric Ripper and the Ngaanyatjarra Council finalised the agreement which included the settlement of six simultaneous applications. The claim stretches from the Gibson Desert nature Reserve to the South Australian border. It recognises exclusive possession native title over most of the claim area, including special leases, reserves held in trust for the use and benefit of Aboriginal people and unallocated crown land. Non-exclusive possession native title is recognised over the Warburton Range Stock Route. *Murri Views*, pg 18. N.D Feb-05. Ngaanyatjarra claims.

## APPLICATIONS LODGED

The National Native Title Tribunal posts summaries on their website of applications that are lodged with them, [www.nntt.gov.au](http://www.nntt.gov.au). The following lodgements were listed for January/February 2005.

### Claimant Applications

Date Filed	Application Name	State/Territory	Tribunal File No.	Federal Court File No.
06/01/05	Western Yalanji #7	QLD	QC05/1	QUD3/05
14/01/05	Bindurma People	WA	WC05/1	WAD8/05
01/02/05	South West Glen Helen	NT	DC05/1	NTD2/05

## Non-Claimant Applications

Date Filed	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.
05/01/05	Woromi Local Aboriginal Land Council and Administrator Peter Hillig	NSW	NN05/2	NSD12/05
06/01/05	The Awabakal Local Aboriginal Land Council	NSW	NN05/1	NSD23/05
20/01/05	Anthony Kelly MLC Minister assisting the Minister for Natural Resources (Lands) for the State of NSW as the State Minister under the Native Title Act 1993 (Cwth)	NSW	NN05/3	NSD0084/05
14/02/05	Brady	NSW	NN05/4	NSD201/5

## REGISTRATION TEST DECISIONS

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 January/February 2005. 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 or re-submit the application.

Decision Date	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.	Decision
02/02/05	Western Yalanji	QLD	QC05/01-1	QUD3/2005	Accepted
02/02/05	Edith River	NT	DC04/3-1	NTD20/04	Accepted
23/02/05	Yam Islanders /Tudulaig Combined	QLD	QC02/15-2	QG6052/98	Accepted

## APPLICATIONS CURRENTLY IN NOTIFICATION

Closing Date	Application Number	Application Name
14/03/05	QC04/7	Budjiti People
14/03/05	QC04/5	Gangalidda and Garawa Peoples
14/03/05	WC04/6	Rubibi #17

14/03/05	WC03/1	Tjupan 2
21/03/05	NN04/10	Minister for Lands
21/03/05	NN04/11	Nowra Local Aboriginal Land Council

For further information regarding notification of any of the applications listed contact the National Native Title Tribunal on 1800 640 501 or [www.nntt.gov.au](http://www.nntt.gov.au) ..

## RECENT ADDITIONS TO THE AIATSIS COLLECTION CATALOGUES

The following are newly catalogued items that have just become available on Mura, the AIATSIS on-line catalogue. Please check Mura for more information on each entry, including annotations.

### AUDIOVISUAL MATERIALS:

Several collections of black and white photographs and colour slides have been lodged as the Ronald Rose collections. These include images from the Clarence River, Central Australia and Melville Island and were taken in the 1950's and the 1960's. Another important set of images is the Schomberg collection comprising glass plate negatives and black and white images from Moa Island from the 1920's to the 1950's. Also, Dr Campbell MacKnight deposited photographs of Aboriginal artefacts held in the Gerardus van der Leeuw Ethnographic Museum in Groningen, The Netherlands

### PRINT MATERIALS:

In addition to the material listed below there have been several catalogues of Australian Aboriginal artefacts held in museums overseas, such as the Roth collection held at the University of Guyana Library and the National Museum of Finland.

### **Native Title – Archaeology**

Allen, James and James F. O'Connell  
 'The long and the short of it: archaeological approaches to determining when humans first colonised Australia and New Guinea.' In *Australian Archaeology* no.57 (Dec. 2003), p.5-19.

Ross, Anne, Bob Anderson and Cliff Campbell.

'Gunumbah: archaeological and Aboriginal meanings at a quarry site on Moreton Island, southwest Queensland.' In *Australian Archaeology* no.57 (Dec. 2003), p.75-81.

Boot, Philip Gerard

*Didthul, Bhundoo, Gulaga and Wadbilliga : an archaeological study of the Aboriginals of the New South Wales South Coast.*

Thesis (Ph. D) -- Australian National University, 2002

### **History – exploration and accounts**

Anderson, Hugh and Katherine Kirkland  
*The flowers of the field : a history of Ripon Shire together with Mrs. Kirkland's Life in the bush from Chambers's miscellany, 1845.*

Melbourne : Hill of Content, 1969.

Blyton, Greg et.al.

*Wannin thanbarran : a history of Aboriginal and European contact in Muswellbrook and the Upper Hunter Valley.* [Muswellbrook, NSW] : Muswellbrook Shire Aboriginal Reconciliation Committee, 2004.

Carrington, George.

*Colonial adventures and experiences / by a University man [i.e. George Carrington].*

London : Bell and Daldy, 1871.

Cerutty, Alice Margaret

*Tyntyndyer : a pioneering homestead and its families.* Kilmore, Vic. : Lowden Publishing, 1977.

Clark, Ian and Toby Heydon

*A bend in the Yarra : a history of the Merri Creek Protectorate Station and Merri Creek Aboriginal School 1841-1851.*

Canberra : Aboriginal Studies Press, 2004

David, Bruno et. al.

'Badu 15 and the Papuan-Austronesian settlement of Torres Strait.' In *Archaeology in Oceania* Vol.39, no.2 (July 2004), p.65-78.

Paterson, Alistair, Nick Gill and Murphy Japanangka Kennedy

'An archaeology of historical reality? a case study of the recent past.' In *Australian Archaeology* no.57 (Dec. 2003), p.82-89.

McIntosh, Ian S.

'The ship's mast. The legacy of the Macassan presence in northern Australia.' In *The Beagle* Vol.15, (Dec. 1999), p.155-165.

Moran, Anthony

'As Australia decolonizes : Indigenizing settler nationalism and the challenges of settler/Indigenous

Relations.' In *Ethnic and racial studies* ; Vol. 25, no. 6 (Nov 2002) : p. 1013-1042.

Schroder, Wilfried

'Erhard Eylmann: a pioneer of exploration and anthropology in Australia.' In *Anthropological Forum* Vol.14, no.1 (March 2004), p.[43]-51.

Withers, William Bramwe

*The history of Ballarat, from the first pastoral settlement to the present time : With plans, illustrations, and original documents.*

Ballarat : Printed by F. W. Niven, 1887.

### **Land acquisition and land management**

Cary, Geoffrey, David Lindenmayer and Stephen Dovers (Eds) *Australia burning : fire ecology, policy and management issues* /, Collingwood, Vic. : CSIRO Publishing, 2003.

Davies, Jocelyn et al.

'Sustaining Eden [electronic resource]: Indigenous community wildlife management in Australia.'

London : International Institute for Environment and Development, [1999].

NOTE: ELECTRONIC ACCESS ONLY

Lane, Marcus B.

'Buying back and caring for country : institutional arrangements and possibilities for In-

digenuous lands management in Australia : essay.' In *Society and natural resources* ; Vol. 15, 2002 : p. 827-846.

McIntosh, Ian S.

'Personal names and the negotiation of change: reconsidering Arnhem Land's Adjustment Movement.'

In *Anthropological Forum* Vol.14, no.2 (July 2004), p.[141]-162.

Muller, Samantha

'Towards decolonisation of Australia's protected area management : the Nantawarrina Indigenous protected area experience.' In *Australian Geographical Studies* ; Vol. 41 no. 1, Mar 2003 : p. 29-43.

### **Indigenous rights: Overseas**

Hocking, Barbara Ann et al

'Colonialism, constitutionalism, costs and compensation: a contemporary comparison of the legal rights and obligations of and towards the Scandinavian Sami and Indigenous Australians.'

In *Nordic Journal of International Law* ; Vol. 68 1999 : p. 31-52.

Jull, Peter

'Greenland's 25 years of Indigenous self-rule.' In *Arena* no.72 Aug.-Sept. 2004, p. 56.

Lawlor, Mary

'Indigenous internationalism : native rights and the UN.' In *Comparative American studies : an international journal* ; Vol. 1, no. 3, 2003 : p. 351-369

### **Indexes, directories and guides:**

Campbell, Heather, (comp.) et al

*Katitjin : a guide to Indigenous records in the Battye Library.* Northbridge, W. A. : Friends of Battye Library, c2003

Howgego, Raymond John

*Encyclopedia of exploration, 1800 to 1850 : a comprehensive reference guide to the history and literature of exploration, travel and colonization between the years 1800 and 1850.*

Potts Point, N.S.W. : Hordern House, 2004.

Howgego, Raymond John

*Encyclopedia of exploration to 1800 : a comprehensive reference guide to the history and literature of exploration, travel and colonization from the earliest times to the year 1800.*

Potts Point, N.S.W. : Hordern House, 2003.

### **Native Title – Self-determination**

Altman, Jon C.

'Indigenous interests and water property rights.' In *Dialogue* Vol.23, no. 3 (2004), p. 29-34

ELECTRONIC ACCESS AVAILABLE

Hocking, Barbara and Esther Stern

'W(h)ither the human rights of Indigenous Australians (from Wik to wickedness?).' In *Nordic Journal of International Law* ; Vol. 67 1998 : p. 393-422.

Muehlebach, Andrea

'What self in self-determination? : notes from the frontiers of transnational Indigenous activism' In *Identities : global studies in culture and power* ; Vol. 10, 2003 : p. 241-268.

Rose, Deborah Bird

'Fresh water rights and biophilia: Indigenous Australian perspectives.' In *Dialogue* Vol.23, no. 3 (2004), p. 35-43.

ELECTRONIC ACCESS AVAILABLE

Ross, Anne et. al.

'The politics of reintegrating Australian Aboriginal and American Indian Indigenous knowledge into resource management : the dynamics of resource appropriation and cultural revival.' In *Human ecology* ; Vol. 30, no. 2 June 2002 : p. 187-214.

### **Place names and site reports**

Attenbrow, Valerie

'Habitation and land use patterns in the Upper Mangrove Creek catchment, New South Wales central coast, Australia.' In *Australian Archaeology* no. 57 (2003), p.20-31.

National Native Title Tribunal (Australia).  
Research Unit

*National Native Title Tribunal research report : Hamersley Ranges, Pilbara, Western Australia.*  
Prepared by Dr Rita Farrell.

### **Native Title – Legal issues**

Dodds, Susan

'Justice and Indigenous land rights.' In *Inquiry* ; Vol. 41, 1998 : p. 187-205.

Godden, David

Attenuating Indigenous property rights : land policy after the Wik decision. In *Australian Journal of Agricultural and Resource Economics* ; Vol. 43, no. 1 1999 : p. 1-33.

Hocking, Barbara J.

Australian Aboriginal property rights as issues of Indigenous sovereignty and citizenship.

In *Ratio juris* ; Vol. 12, no. 2 June 1999 : p. 196-225.

Kaye, Stuart et. al.

*Torres Strait native title sea claim legal issues paper.*  
[Perth?] : National Native Title Tribunal, 2004.

Mulrennan, Monica and Colin H. Scott

'Mare nullius : Indigenous rights in saltwater environments.' In *Development & change* ; Vol. 31, no. 3 June 2000 : p.682-707.

### **Native Title practice**

Kee, Sue et al

*Native title.* Sydney : Legal Information Access Centre, 2004.

Allbrook, Malcolm et al

*Implementation and resourcing of native title and related agreements.* Perth : National Native Title Tribunal. 2004.

ELECTRONIC ACCESS AVAILABLE

### **Native Title – Anthropology**

Martin, David F. et al

*Capacity of anthropologists in native title practice.*  
Canberra : Anthropos Consulting Services, 2004.

## NATIVE TITLE RESEARCH UNIT PUBLICATIONS

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### Land, Rights, Laws: Issues of Native Title

The Native Title Research Unit Issues Papers are available through the native title link at [www.aiatsis.gov.au](http://www.aiatsis.gov.au) or are available, at no cost, from the NTRU. Receive copies through our electronic service, email [ntru@aiatsis.gov.au](mailto:ntru@aiatsis.gov.au), or phone 02 6246 1161 to join our mailing list.

#### Volume 2

- No. 30 *The Recognition Level of the Native Title Claim Group: A Legal and Policy Perspective*  
Daniel Lavery
- No. 29 *An Anthropological Perspective on Writing for the Court*  
Katie Glaskin
- No. 28 *Promoting Economic and Social Development through Native Title*  
The Aboriginal and Torres Strait Islander Social Justice Commissioner
- No. 27 *Practical Reconciliation, Practical Re-Colonisation?*  
Professor John Borrows
- No. 26 *Agreeing to Terms: What is a 'Comprehensive' Agreement?*  
Dr. Stuart Bradfield
- No. 25 *Native Title and Agreement Making in the Mining Industry: Focusing on Outcomes for Indigenous Peoples*  
Professor Ciaran O'Faircheallaigh
- No. 24 *Beyond Yorta Yorta*  
John Basten QC
- No. 23 *Indigenous Pueblo Culture and Tradition in the Justice System: Maintaining Indigenous Language, Thought and Law in Judicial review'*  
Christine Zuni Cruz
- No. 22 *'Abandonment' or Maintenance of Country? A Critical Examination of Mobility Patters and Implications for Native Title*  
Dr. Peter Veth

#### MONOGRAPHS

The following NTRU publications are published by Aboriginal Studies Press and are available from the AIATSIS Bookshop located at AIATSIS, Lawson Crescent, Acton Peninsula, Canberra, or telephone 02-6246 1186 for prices and to order.

Treaty: Let's get it right! Aboriginal Studies Press, Canberra, ACT, 2003.

Through the Smoky Mirror: History and Native Title edited by Mandy Paul and Geoffrey Gray, Aboriginal Studies Press, Canberra, ACT, 2003.

Language in Native Title edited by John Henderson and David Nash, Aboriginal Studies Press, Canberra, ACT, 2002.

Native Title in the New Millennium edited by Bryan Keon-Cohen, proceedings of the Native Title Representative Bodies Legal Conference 16-20 April 2000: Melbourne, Victoria, 2001, includes CD.

A Guide to Australian Legislation Relevant to Native Title two vols, lists of Acts summarised, 2000.

Native Title in Perspective: Selected Papers from the Native Title Research Unit 1998–2000 edited by Lisa Strelein and Kado Muir.

Earlier publications dating back to 1994 are listed on the Native Title Research Unit's website at <[www.aiatsis.gov.au](http://www.aiatsis.gov.au)>, go to the Native Title Research Unit and then click on the 'Previous Publications' link. Orders are subject to availability.

## **ABOUT THE NATIVE TITLE RESEARCH UNIT**

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