

Native Title Newsletter

January/February, No. 1/2010

WHAT'S NEW

Native Title Conference 2010 People, Place, Power

1–3 June
National Convention Centre
Canberra

The annual National Native Title Conference is the largest Indigenous policy conference in Australia and is a flagship event for the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS).

This year, the Native Title Conference will be co-convened by the National Native Title Council and hosted by the Ngunnawal peoples, the traditional owners of the Canberra area.

The conference themes *People, Place, Power* reflect the significance of holding the event in Canberra, Australia's capital, where major legal and policy decisions about native title have been made.

For more information on the Conference visit:
<http://www.aiatsis.gov.au/ntru/conference.html>

Native Title Conference 2010	2
Social Justice and Native Title Reports 2009	3
Aurora Project: Intern Report	5
New Database at the University of Dundee – Court Interpretation of Indigenous Agreements.....	6
NTRU Project Report	7
New NTRU Website.....	7
NTRU Staff Changes.....	7
What's New.....	8
Indigenous Land Use Agreements.....	16
Determinations.....	16
Items in the AIATSIS Catalogue	17





Native Title Conference 2010

People, Place, Power



1–3 June, National Convention Centre, Canberra

CALL FOR PAPERS

This year the Annual National Native Title Conference will be co-convened by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) and the National Native Title Council (NNTC). The conference themes reflect the fact that this year's conference occurs in the national capital, the traditional country of the Ngunnawal peoples, but also a place where significant native title decisions have been made. The title People, Place, Power is reflected in the following themes:

People

- The legacy of native title for future generations
- Land justice and social and emotional wellbeing
- Human rights and racial discrimination
- Women and native title

Place

- Governing native title land - roles and responsibilities of PBCs
- Land, water, heritage, country
- Environment, conservation and joint management
- Housing, tenure and community development

Power

- The national policy framework and the proposed National Partnership Agreement
- Economic development and native title payments
- Broader land settlements and native title agreements
- Reforms to the Native Title Act

Proposals for papers and panels are invited for consideration by the conference conveners. Please submit your proposal with an abstract and biographies, by Wednesday 31 March 2010.

Major sponsor:



Australian Government

**Department of Families, Housing,
Community Services and Indigenous Affairs**

Sponsors:



Australian Government

Attorney-General's Department



Social Justice and Native Title Reports 2009

Australian Human Rights Commission

Recently retired Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma released his sixth and final Social Justice and Native Title Reports on 22 January 2010.

The reports recognise a marked shift in the Indigenous policy landscape since the National Apology to the Stolen Generations and suggest a more inclusive and promising future for Aboriginal and Torres Strait Islander peoples.

The Social Justice Report 2009 focusses on three themes: justice reinvestment to reduce Indigenous over-representation in the criminal justice system; the protection of Indigenous languages; and sustaining Aboriginal homeland communities.

The first theme outlines a convincing argument for an alternative to incarceration offered by the 'justice reinvestment' model, which diverts a portion of the funds planned for prison expenditure to local communities where there is a high concentration of offenders.

The second theme provides vital reading for anyone interested in the perilous state of Indigenous languages in Australia and argues that without intervention, Indigenous language knowledge will cease to exist in Australia in the next 10 to 30 years.

The final theme of the Social Justice Report 2009 highlights the importance of 'Homelands' in providing social, spiritual, cultural, health and economic benefits to residents. It outlines how policies that fail to support the ongoing

development of Homelands will lead to social and economic problems in rural townships that could further entrench Indigenous disadvantage and poverty.

The Native Title Report 2009 comprehensively reviews developments in native title law and policy from 1 July 2008 to 30 June 2009 and considers principles and standards that should underpin cultural change in the native title system. For example, the Australian Government introduced amendments to the *Native Title Act* to encourage broader negotiated agreements. Also, the Victorian Government unveiled an important new settlement framework.



Tom Calma launched the Social Justice and Native Title Reports on January 22, 2010

The Report argues for significant improvements to be made to the native title system if we are to close the gap between Indigenous and non-Indigenous Australians and to achieve reconciliation.

In his final Report, Ex-Commissioner Calma outlines principles and standards that should be used to guide a new

approach to native title and explains how the native title system ought to be viewed in the context of broader reforms to promote and protect the rights of Aboriginal and Torres Strait Islander peoples.

In the Report, three significant cases concerning native title and land rights are explored. These cases raise issues that affect the human rights of Aboriginal and Torres Strait Islander people, including whether:

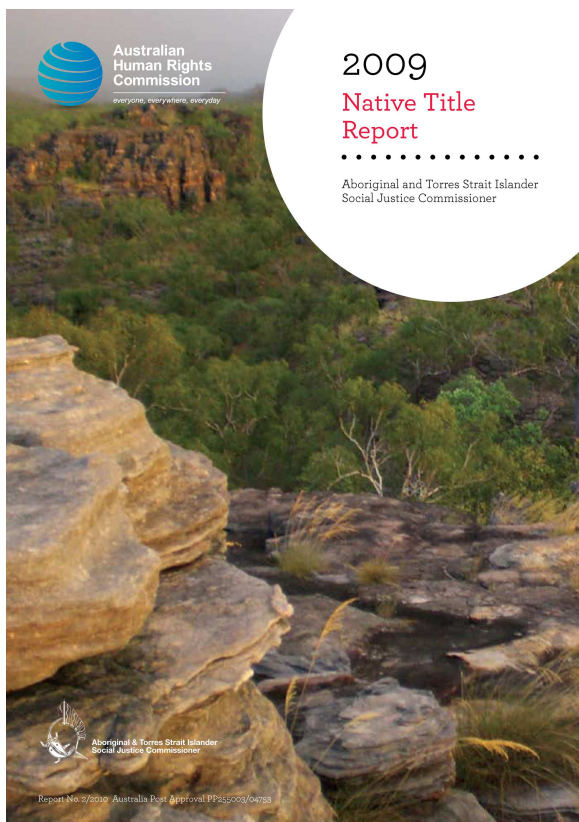
- aspects of the Northern Territory intervention are constitutionally valid (*Wurridjal*);
- a mining company had negotiated in good faith with traditional owners (*FMG Pilbara Pty Ltd v Cox*);
- a mining lease should be granted over a site that is particularly significant to the Martu People (Western Desert Lands Aboriginal Corporation (*Jamukurnu – Yapalikunu*) / *Western Australia / Holocene Pty Ltd*).

The Report makes 27 recommendations for reform of the native title system concerning several key areas, including:

- considering ways to formally recognise traditional owners
- amending the *Native Title Act* to shift the burden of proof in a native title claim
- encouraging states and territories to adopt more flexible approaches to connection evidence
- improving access to land tenure information
- streamlining the role of non-government respondents in native title claims
- promoting broader and more flexible native title settlement packages
- increasing the quality and quantity of anthropologists and other experts working in the native title system.

The Social Justice 2009 Report can be accessed online at:
www.humanrights.gov.au/social_justice/sj_report/sjreport09/index.html

and the Native title Report 2009 at :
www.humanrights.gov.au/social_justice/nt_report/ntreport09/index.html



Aurora Project: Intern Report

From 18 January 2010 to 26 February 2010, the Native Title Research Unit hosted three Aurora interns. The Aurora Project aims to provide university students from around Australia the opportunity to gain practical experience within the native title field. All three interns - Patricia Carlisle and Zoe van der Lee from the University of Adelaide, as well as Jack Brumpton from the University of Queensland - are in the process of completing their law degree.

While the interns were usually busy completing their set tasks within the NTRU office, they also took the opportunity to engage in some uniquely Canberra activities. Among other things, the interns attended a hearing first hand at the High Court and watched question time unfold at Parliament House.



(l - r) Aurora Interns - Jack Brumpton, Zoe van der Lee and Patricia Carlisle and new NTRU Research Assistant, Zoe Scanlon

Each intern reflects on their time with AIATSIS below:

Jack Brumpton:

My internship consisted almost entirely of assisting AIATSIS Research Fellow, Joe Fardin, with the development of an agreements database for use by NTRBs Australia-wide. At this early stage, the project is focussing on developing a database of agreements made between traditional owners and mining/exploration companies.

My role involved researching both theoretical and practical issues in regard to development of the database. I looked into the concept of 'knowledge management' (KM) and examined whether it has ever been considered in the native title context. Finding any such consideration lacking, I drafted a KM strategy for the average NTRB, with a nationwide agreements database at the centre of that strategy. I also researched 'best practice' in agreement making (a subject, unlike KM, that has been considered in great detail, particularly of late)

and examined best practice case studies, in an effort to find common elements from which to construct the database. Finally, I looked into practical issues around setting up the database, such as database structure, and copyright, confidentiality and privacy issues.

When the database is up and running it will be an incredibly useful tool for NTRBs which will save much time and money. I hope that my work at AIATSIS has contributed to that goal in at least some small way.

Zoe van der Lee:

I spent my time at AIATSIS completing a research project under the supervision of Research Director, Dr Lisa Strelein. The project involved contrasting the corporate structure of NTRBs and NTSPs: the incorporation legislation involved; constitutional requirements and governing structure. Essential to my project was accessing the *Corporations Act 2001* (Cth) and the *Corporations (Aboriginal and Torres Strait Inlander) Act 2006* (Cth) ('the CATSI Act') and identifying the similarities and differences of incorporation in accordance with each piece of legislation. The constitutional design, as well as the representative and administrative structure of NTRBs and NTSPs was compared at length.

While I have completed the required component of corporate law at university and was familiar with the *Corporations Act*, I had never come across the *CATSI Act* before. The *CATSI Act* is a complex piece of legislation that is central to the native title system, with all NTRBs and RNTBCs required to be incorporated in accordance with it. On the other hand, NTSPs are incorporated under the *Corporations Act*. The success of the native title system is dependant upon the effective interaction of various corporate bodies that are incorporated in accordance with these two different legislative formats.

Patricia Carlisle concludes:

Native title is complex and controversial. Whether from an anthropological, historical-cultural, Indigenous or legal perspective, navigating the path to recognition of Indigenous 'traditional' laws and customs exercised from pre-sovereign to contemporary times as the basis of a Native Title claim is at best arduous and at worse divisive. The concept of traditional is extremely nebulous and the controversial text of s. 223 of the *Native Title Act 1993 (Cth)* remains the focus of much heated debate since the momentous *Mabo* decision in 1992.

While I recognise that my understanding on this topic is limited at this time, I cannot help but question at what point does one draw the distinction between the use of 'traditional' as a legitimate exercise of legal precedent and that as a medium of exploitation, hypocrisy and oppression? As an Aurora intern, these issues were the basis of much reflection and are as potent for me as they are for the more experienced and wise in this field. Perhaps in 21st century Australia, it may be timely for the legal profession to pay heed to former Justice Kirby's poignant remarks:

"we the judges, lawyers and law students of contemporary Australia, must always be willing to hear the voice of justice. Form is not sufficient. Our function in the law is the substance of justice according to law."¹

The Aurora Project provides anthropology, law and social sciences students and graduates career opportunities in native title, policy, social justice and Indigenous affairs. The program aims to provide assistance to under-resourced and over-worked Native Title Representative Bodies (NTRBs) and Native Title Service Providers (NTSPs) as well as various other organisations working in these areas.

Applications for the Winter 2010 placement are open from Monday 8 March and close 5pm AEDST Thursday 1 April 2010. Most internships run for 5 to 6 weeks over the June to August semester break.

For more details, see the Aurora website at <http://www.auroraproject.com.au/>

New Database at the University of Dundee – Court Interpretation of Indigenous Agreements

The last two decades has seen a growing preference for negotiated outcomes in the relationship between Indigenous people and resource management. Previous practices, in which governments and developers simply dealt with land and resources while ignoring Indigenous interests in that land, are no longer accepted.

Developers and/or governments are placing a greater emphasis on agreement making with Indigenous peoples in relation to developments which will affect them.

The Centre for Energy, Petroleum and Mineral Law and Policy (CEPMLP) at the University of Dundee in Scotland has released a database of court and tribunal decisions dealing with documents involving Indigenous parties (e.g. treaties, impact & benefit agreements, petitions, land use agreements).

This database focuses on court and tribunal decisions and relevant commentary. It has been compiled from over 200 cases and articles from courts and tribunals in Australia, Canada, New Zealand and the United States of America.

The database aims to help parties involved in developer-Indigenous relations, by identifying relevant decisions and commentary on courts' approaches to Indigenous agreements.

The database is free and fully searchable, and can be accessed via the [Centre for Energy, Petroleum and Mineral Law and Policy](#) website.

¹ M Kirby, 'Black and white lessons for the Australian judiciary', *Adelaide Law Review*, vol. 23, 2002, p. 213

NTRU Project Report

Dr Lisa Strelein and Dr Jessica Weir have co-authored a chapter entitled 'Conservation and Human Rights in the context of Native Title in Australia', which was recently published in *Exploring Issues and Opportunities in Rights Based Approaches to Conservation*, CIFOR, IUCN and CEESP, Bogor, Indonesia, 2009.

In this chapter, Strelein and Weir examine the complexities of native title, highlighting the complementary and the competing nature of the relationship between human rights and conservation.

Conservation is not value-neutral; rather, it is shaped by historical, political, cultural and socio-economic issues, and is subject to exercises in power between different interest groups. Human rights frameworks bring a critical perspective to conservation projects, but they also bring their own assumptions and restrictions to conservation. Human rights principles often lead to a greater focus on humans and paying insufficient attention to ecological life and ecological relationships.

Indigenous peoples' economic relationships have been penalised by both responses to conservation and responses to human rights, such as native title. Native title law has reinforced the tendency to view Indigenous peoples' relationships with 'country' as 'primarily a spiritual affair'. The courts have refused to recognise general economic rights that emerge out of exclusive possession or the utilisation of resources.

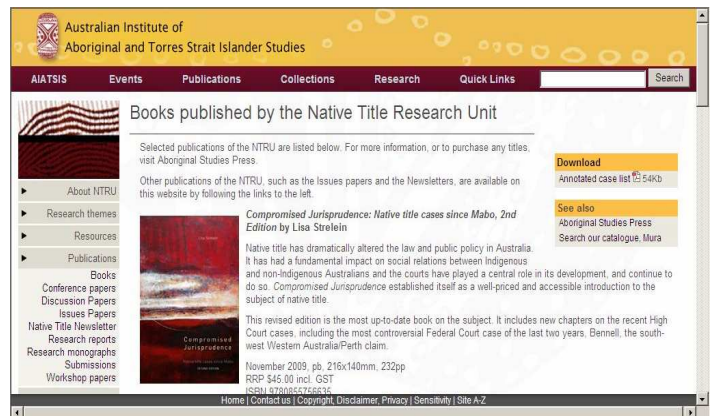
Finding ways of supporting ecological relationships which also do not deny Indigenous peoples' livelihoods is paramount. What is needed is an understanding of the Indigenous philosophy of 'country', where the focus is on building healthy relationships that support both ecology and economy. The authors argue that 'shared commitments to sustain ecological life and respond to ecological devastation coupled with native title can provide a framework of tenures and rights that allow Indigenous and non-indigenous people to jointly support ecological relationships.'

Visit www.cifor.cgiar.org to download *Exploring Issues and Opportunities in Rights Based Approaches to Conservation*.

New NTRU Website

The Native Title Research Unit is currently working on a new version of the NTRU Website. The website is expected to be fully functioning by the **end of March 2010**. The new address will be:

<http://www.aiatsis.gov.au/ntru/overview.html>



Example of new website page

If you are having trouble accessing our new website please let us know via email at ntru@aiatsis.gov.au

NTRU Staff Changes

There has been a lot of change in the Native title Research Unit in the early part of 2010.

The NTRU welcomes back Research Fellow, Dr. Jessica Weir from maternity leave.

The NTRU also welcomes new staff:

- Christine Regan, Project Officer in Native Title Funding
- Zoe Scanlon, Research Assistant / Publications Officer
- Matt O'Rourke, Research Assistant / Publications Officer
- Makeeta Ratulevu, Communications Officer
- Claire Stacey, Research Assistant
- Gabrielle Lauder, Research Assistant; and
- Marita Swain, Research Assistant

What's New

Recent Cases

Worimi (aka Gary Dates) v Worimi Local Aboriginal Land Council [2010] FCAFC 3 (FCAFC: Moore, Mansfield & Perram JJ)

This case was an appeal from a non-claimant application under the *Native Title Act 1993* (Cth) for an approved determination of native title. At first instance the Worimi Aboriginal Land Council applied for a declaration that no native title existed in land at Boat Harbour in New South Wales. The Land Council lodged a non-claimant application that the land was not of cultural significance to Aboriginal people in the area.

The appellant gave notice that he wished to become a party to the application and was joined as a respondent, claiming native title interests in the land. The appellant had also filed two claimant applications in relation to the land which were both struck out. On 18 December 2008, the primary judge found that no native title existed in the land.

The appeal was heard by the Full Court of the Federal Court of Australia. The Court upheld the findings of the trial judge that on the evidence, there was no ongoing connection between the native title rights and interests that existed pre-sovereignty. They considered the following appeal grounds:

1. The appellant suggested that based on s 61 of the Native Title Act, the onus was on the respondent to establish the nature of pre-sovereignty native title rights and interests relating to that area of land and then 'deconstruct' to show the current rights in the land, in order to prove that native title no longer exists. The court agreed with the trial judge that it would only be necessary for a non-claimant applicant to prove this in certain circumstances, but not in every case. It was held not to be necessary in this case.
2. The appellant suggested that the trial judge erred in the weight she gave to the appellant's evidence in her assessment of the evidence in finding that the necessary contemporary connection with the land did not exist. The Full Court held there was sufficient evidence to support the conclusion of the trial judge, and that the

appellant's evidence did not have sufficient substance to cast doubt on other evidence that had been accepted.

3. The Full Court confirmed that a court at first instance is entitled to be satisfied that, where no other group claims to hold native title, 'this supports an inference of an absence of native title over the land'. The Full Court reinforced that this does *not* imply that without anything more this supports a declaration of native title but found that there was no error in the expression of the trial judge in this instance.

Santo v David [2010] FCA 42 (5 February 2010) (FCA: Logan J)

The Applicants are inhabitants of Erub (Darnley Island) in the Torres Strait Islands. They alleged that the Respondent had constructed a dwelling on Erub land without their permission. The land in question was traditionally owned and occupied by members of the Applicants' family.

The native title rights and interests held over the land were determined to be held in trust by the Erubam Le Traditional Land and Sea Owners (Torres Strait Islanders) Corporation. Justice Logan therefore found that the Applicants did not have standing to seek the enforcement of native title rights. He found that the correct party to have standing in this situation would have been the Erubam Le Traditional Land and Sea Owners Corporation.

As the Corporation had not applied for joinder as an applicant party and the Applicants did not have standing, Logan J found that there was no determination to be made and consequently dismissed the application.

Wakka Wakka People No 2 v State of Queensland [2009] FCA 1527

The Wakka Wakka People's application was dismissed on 3 December 2009 after their legal advisers could not certify that their application could proceed to a successful resolution in its present form. The Court, with Dowsett J presiding, remained non-committal about whether a further determination could be reappplied for at a later date.

Mitakoodi and Mayi People 1 v State of Queensland [2009] FCA 1528

The Mitakoodi and Mayi Peoples' application was dismissed on 8 December 2009 with Dowsett J presiding. The primary reason for dismissal was non-compliance with a previous court order. Importantly, the court saw this as more than a non-compliance issue, in that the applicant was not in a position to progress the claim at the time. This was due to claimant group dissention and difficulty in finding an anthropologist.

Gudjala People No 2 v Native Title Registrar [2009] FCA 1572

This case arose from an appeal against the original judgment of Dowsett J (*Gudjala People 2 v Native Title Registrar [2007] FCA 1167*). The Full Court of the Federal Court considered that an 'unduly onerous standard' had been applied to the evidence in the Gudjala People's claim (*Gudjala People No 2 v Native title Registrar [2008] FCAFC 157*) and remitted the case to Dowsett J for further consideration. However, Dowsett J subsequently summarily dismissed the case on 23 December 2009 (*Gudjala People No 2 v Native Title Registrar [2009] FCA 1572*). Drawing on comments made in the *Yorta Yorta* decision, particularly concerning the definition of traditional laws and customs, Dowsett J was not satisfied that the applicants had demonstrated 'the existence of a pre-sovereignty society' from which their current laws and customs were derived [72]. He found that the applicants satisfied s 190B(5)(a) of the *Native Title Act* (NTA) as the claimants had an association with the predecessors of the area. However, he found that they had insufficient factual evidence to satisfy ss 190B(5)(b), 190B(5)(c), 190B(6) and 190B(7) of the NTA. These provisions relate to 'traditional' connection requirements such as physical connection and rights or interests in land or waters. Dowsett J did not rule out the option for a further application.

Legislation

Wild Rivers (Environmental Management) Bill 2010 (Cth)

The Wild Rivers (Environmental Management) Bill 2010 (Cth) was tabled in the House of Representatives on 8 February 2010. This private member's bill is described as 'an act to protect the

interests of Aboriginal traditional owners in the management, development and use of native title land situated in wild river areas, and for related purposes'. [The Bill is available for download at ComLaw.](#)

Wild Rivers (Environmental Management) Bill 2010 [No. 2]

On 25 February 2010 the Senate referred the Wild Rivers (Environmental Management) Bill 2010 [No. 2] for inquiry and report.

The Bill aims to protect the interests of Aboriginal traditional owners in the management, development and use of native title land situated in wild river areas. It does this by requiring the agreement of traditional owners to the development or use of native title land in wild river areas regulated by the Wild Rivers Act 2005 (Qld).

Submissions should be received by **31 March 2010**. [Visit the Senate Committee Inquiry website for further information regarding submissions](#)

Possible historical extinguishment amendment

On 14 January 2010, the Commonwealth Attorney-General released draft legislation detailing a proposed amendment to the *Native Title Act* 1993 (Cth). This proposed reform would allow, in certain circumstances, parties to agree to disregard the historical extinguishment of native title in areas of land set aside for the purpose of preserving the natural environment. The reform would not affect any existing interests in the area. This proposed amendment was suggested in July 2008 by High Court Chief Justice Robert French.

The *Native Title Act* already includes provisions allowing historical extinguishment of native title to be disregarded in certain circumstances, such as where a native title application is made over land that is subject to a pastoral lease held by a native title claimant (s 47). The proposed amendment would similarly allow the historical extinguishment of native title to be disregarded in areas set aside or vested by a government law for the purpose of preserving the natural environment of the area, such as a State or Territory park or reserve.

Information regarding proposed amendments below is accessible via the following links:



- Proposed historical extinguishment amendment to the Native Title Act 1993 - January 2010 [DOC 54KB]
- Proposed historical extinguishment amendment to the Native Title Act 1993 - January 2010 [PDF 56KB]

Senate Report on the *Native Title Amendment Bill (No. 2) 2009 (Cth)*

On 29 October 2009 the Senate referred the *Native Title Amendment Bill (No. 2) 2009 (Cth)* to the Senate Standing Committee on Legal and Constitutional Affairs for inquiry and report. The Bill would amend the future acts regime of the *Native Title Act 1993 (Cth)* to provide a process for the construction of public housing and other facilities by or on behalf of the Crown, a local government body or other statutory authority in communities on Indigenous-held land. The Bill would provide for a representative Aboriginal or Torres Strait Islander body or native title claimant to be notified and afforded the opportunity to comment on acts which could affect native title, and for compensation for any impact on native title rights and interests. The committee received 17 submissions as part of their inquiry. These can be viewed on the [Senate Committee website](#).

As part of the inquiry, a public hearing took place in Sydney on Thursday 28 January 2010. [Transcripts of the hearing can be found on the Senate Committee website](#). The reporting date of the Committee was originally set at 2 February 2010, but on 2 February 2010 the Senate granted an extension of time for reporting until 23 February 2010.

The Report of the Senate Committee was tabled on 25 February 2010. The Senate Committee recommended that subdivision JA of the Bill be amended to include the provision of staff housing as part of the new future acts process. Subject to that, the Committee recommended that the Bill be passed.

Liberal senators on the Committee agreed with the majority of the Report's recommendations. They supported the use of Indigenous Land Use Agreements (ILUAs) as the preferred method for agreement-making with native title holders and claimants and recommended that the Australian, State and Territory Governments develop template ILUAs for future service delivery.

Liberal senators expressed concern over the ten

year sunset clause contained in the Bill, and recommended that the effectiveness of the program could be reviewed after the first five years of operation. Then, if necessary, this could be extended for a further five years to take advantage of the ten year funding provided for in the National Partnership Agreements. Subject to these recommendations, Liberal senators recommended that the Senate pass the Bill.

Senator Rachel Siewart of the Australian Greens did not support the recommendations of the majority report and dissented from the greater part of the assertions presented at the end of the report under 'Committee's View'. Senator Siewart found that the vast majority of the submissions received in the inquiry from relevant organisations, land councils and researchers, as well as the evidence presented to the Committee in the public hearing, put forth a view different to that expressed in the Report. She raised concern that the conclusions of the Report neither reflected nor adequately addressed the evidence and arguments put forward in the submissions and the public hearing.

Senator Siewart proposed that recommendations for template ILUAs be developed, the registration test be removed where an ILUA has been certified by the responsible Native Title Representative Body (NTRB), and that section 47A be amended to explicitly state that the non-extinguishment principle applies for the provision of public housing and services. Senator Siewart recommended that the Bill be opposed, and alternatively, if it is to proceed, the government should introduce [amendments proposed by the National Native Title Council \(NNTC\)](#) to protect the rights of native title holders and ensure the right to negotiate.

Native Title Publications

Journal Articles

- G Neate, 'Land rights, native title and the "limits" of recognition: getting the balance right?', *Flinders Journal of Law Reform*, Vol. 11, No. 2, 2009, pp. 1-196.
- A Reale, 'Assisted theft: compulsory land acquisition for private benefit in Australia and the US', *Alternative Law Journal*, Vol. 34, No. 3, 2009, pp. 147-151.

Books

- S Berg (ed.), *Coming to terms: Aboriginal title in South Australia*, Kent Town, South Australia: Wakefield Press, 2009.

- DG Newman, *The duty to consult: new relationships with Aboriginal peoples*, Saskatoon: Purich Pub., 2009.
- P Butt, 'Native title', in *Land law (6th edition)*, Pyrmont, NSW: Thomson Reuters, 2010.

Papers

- D O'Dea, *Managing emotion in native title matters*, Paper delivered to the Institute of Arbitrators & Mediators, Mediation Colloquium, 8 December 2009.
- J. Hunt, J.C. Altman, and K. May, *Social benefits of Aboriginal engagement in natural resource management*, CAEPR Working Paper 60/2009, Canberra: Centre for Aboriginal Economic Policy Research, 2009.

Reports

- K Magarey, *Native Title Amendment Bill (No. 2) 2009*, Bills Digest (24 February 2010) 2009-10, No. 118, Parliamentary Library, 2010.
- T Calma, *Native Title Report 2009. Report of the Aboriginal and Torres Strait Islander Social Justice Commissioner to the Attorney-General as required by section 209 of the Native Title Act 1993*, Sydney: Australian Human Rights Commission, 2010.
- T Calma, *Social Justice Report 2009: report of the Aboriginal and Torres Strait Islander Social Justice Commissioner to the Attorney-General as required by section 46C(1)(a) Australian Human Rights Commission Act 1986* Sydney: Australian Human Rights Commission, 2010.

Training and Professional Development Opportunities

University of Queensland Native Title Mediation Course

University of Queensland's TC Beirne School of Law is running an intensive *Mediation Strategies for Native Title Stakeholders* course at St Lucia campus from April 8 – 11, 2010. Coordinated by international mediation expert Patrick Cavanagh, the four-day course is the only one of its kind in Australia. It is designed specifically for lawyers,

policy makers, government agency employees, negotiators and mediators and will identify the glitches in the existing system, examine the new legislation amendments and changes and offer effective options to expedite settlement. Although offered as part of UQ's Master of Laws program, legal qualifications are not a prerequisite to undertake the course. For further information visit: www.law.uq.edu.au/mediation-strategies

Also see the [Aurora Project: Program Calendar](#) for information about [Learning and Development Opportunities](#) for staff of native title representative bodies and native title service providers. [Applications are now open for Aurora's NTRB Training Programs.](#)

Native title in the News

National

27/01/2010

Alternative approaches

Initiatives by some State Governments to resolve native title claims by consulting directly with Traditional Owners about a broader range of matters demonstrates that alternative approaches can be taken to resolve native title claims. Several States and representatives are currently participating in these types of alternative negotiations. For example, the Western Australian Government and the Noongar people's representative body, the South West Aboriginal Land and Sea Council are currently negotiating a native title claim. The Victorian Government has similar measures in place, announcing last year that it has developed a Native Title Settlement Framework to allow Traditional Owners to negotiate directly with the State to settle native title claims, rather than going through the courts. These initiatives align with the commitment made by Commonwealth, State and Territory native title Ministers to take a flexible approach when working to achieve practical and sustainable outcomes through native title processes. *Koori Mail*, (National, 27 January 2010), 22.

17/02/2010

Native title fight blow

The federal government has restricted legal aid to many NSW and Victorian farmers who are facing native title claims. Canberra law firm Williams Love & Nicol has informed farmers who hold licences

and leases on Crown land that it can no longer represent them in native title claims due to the federal funding cuts. A Department spokeswoman said funding had not been cut, but simply restricted. The Australian Government no longer considers it reasonable to provide assistance to low impact interests such as beekeepers and fossickers, who hold minor licences and permits and have their interests protected under the *Native Title Act 1993* (Cth). *Weekly Times* (Rural VIC, 17 February 2010), 22.

New South Wales

21/01/2010

TOs and native title claimants come together for Basin consultations

More than 60 representatives from 27 Indigenous nations in the Northern Murray-Darling Basin took part in a Northern Basin Indigenous gathering at Moree on 9 and 10 December 2009. The Murray-Darling Basin Authority organised the gathering in consultation with a large number of Traditional Owner and native title claimant groups. The purpose of the gathering was to build stakeholder understanding and to seek input into key issues of the proposed Basin Plan. *National Indigenous Times*, (Malua Bay NSW, 21 January 2010), 35.

16/02/2010

Dunghutti people acknowledged

On 1 July 1994 an application was lodged with the National Native Title Tribunal for a section of land at Crescent Head, NSW. Two years later, an agreement between the Dunghutti people and the NSW Minister for Lands acknowledged the native title claim. Due to the land undergoing subdivision and redevelopment, an agreement was sought to compensate the Dunghutti people as a means of final settlement of the native title claim. However, this was held up due to an appeal in the Administrative Appeals Tribunal. This appeal was dismissed in October 2009. The finalisation of the initial native title agreement and payment of \$6.1 million from the State Government to the Dunghutti people on 16 February 2010 has served as compensation for the extinguishment of native title rights in the area. *Macleay Argus* (Kempsey NSW, 16 February 2010), 1, 2. *Macleay Argus* (Kempsey NSW, 23 February 2010), 1, 2. *Port Macquarie News* (Port Macquarie NSW, 22 February 2010), 6. *The Sydney Morning Herald* (Sydney NSW, 20 February 2010), 11. *The Advocate* (Coffs Harbour NSW, 20 February 2010), 21.

Northern Territory

30/01/2010

Camps swap land for house

Aboriginal people of Alice Springs will be given their first opportunity to buy their homes outright under a landmark deal expected to initiate a revolution in land tenure reform. Residents of Ilpeye Ilpeye and Alice Springs town camps have agreed to pass their land title to the Commonwealth. In doing so, the land will transfer to freehold enabling subdivisions and individual ownership. In return, \$100 million of infrastructure will be built by the Commonwealth. Indigenous Affairs Minister, Ms Macklin, will seize control of the community land title under the Commonwealth's Northern Territory Emergency Response legislation. The local community will retain native title and receive yet-to-be-determined 'just compensation' for the change, which practically gives the Commonwealth freehold ownership. *The Weekend Australian*, (Australia AU, 30 January 2010), 1, 6.

4/02/2010

Ilpeye Ilpeye Housing

Ilpeye Ilpeye is the only town camp in Alice Springs to end their 40-year sub-lease arrangements and choose to have their land acquired by the Commonwealth. This means underlying title has changed from community lease to freehold held by the Commonwealth which will, in three years' time, proceed to subdivide it into individual housing. The blocks can then be bought by residents.

The government has been able to acquire the land under the *Northern Territory National Emergency Response Act 2007* (Cth). Native title is not affected by the acquisition. *Alice Springs News* (Alice Springs NT, 4 February 2010), 5. *The Australian* (National AU, 24 February 2010), 7.

Queensland

5/01/2010

Potential for further two Bowen Basin coal mines

Cultural heritage management plans and negotiations have begun with Aquila Resources representatives and native title claimants; the Kangoulo people. Aquila Resources has submitted a mining lease application to the State Government for its Washpool Hard Coking Coal Project in Blackwater. The proposed open cut coal mine could produce between 1.6 million and 2 million tones of

coking coal annually. *The Morning Bulletin* (Rockhampton QLD, 5 January 2010), 8. *Blackwater Herald*, (Blackwater QLD, 5 January 2010), 3. *Central Queensland News*, (Emerald QLD, 6 January 2010), 3.

21/01/2010

A mistaken catch costs men \$2000 each

Rockhampton man Elwyn Mann and his cousin Leighton Little appeared in Rockhampton Magistrates Court facing charges of illegally using commercial fishing equipment in Moores Creek. The two men claimed they had native title rights to use a commercial net to fish the creek. Magistrate John McGrath said he accepted that Mann and Little mistakenly believed they had the relevant native title rights. He found, however, that this did not give them the right to act illegally. The two men were fined \$2000 each. *Morning Bulletin* (Rockhampton QLD, 8 January 2010), 8.

12/02/2010

Darumbal man appeals \$2000 fine for fishing

A Darumbal man, Elwyn James Mann, is appealing the \$2000 fishing fine he received last month, claiming the state law is inconsistent with the *Native Title Act 1993* (Cth) (NTA) and the *Racial Discrimination Act 1975* (Cth). Mann said section 14 of the *Fisheries Act 1994* (QLD) is inconsistent with section 211 of the NTA and is therefore invalid. Magistrate John McGrath fined Mann \$2000 after he was found guilty of illegally fishing with an 80 metre commercial fishing net in the Fitzroy River. *Morning Bulletin* (Rockhampton QLD, 12 February 2010), 3.

19/02/2010

Mount Coolon land agreement for the Jangga people

An Indigenous Land Use Agreement (ILUA) centred on the township of Mount Coolon has been finalised. The agreement, between the Jangga people and the Whitsunday, Charters Towers and Isaac Councils covers infrastructure development, terms of access and consultation protocols over 20,700 sq km. The National Native Title Tribunal registered the legally binding agreement on February 11. The ILUA establishes how the Jangga people will work with the three local councils in the future. *Bowen Independent* (Bowen QLD, 19 February 2010), 8.

South Australia

28/01/2010

Boat ramp work to start in March

Construction of the Middle Beach Boat ramp is likely to begin in March following a council decision to proceed with the project subject to likely native title clearances. The District Council of Malala stated that the clearance was likely to be received in early March. *The Plains Producer*, (Balaklava SA, 28 January 2010), 13.

29/01/2010

Mining chief steps down

Four Mile uranium mine joint venture partner Alliance Resources has announced that managing director Patrick Mutz will step down from the executive role. The announcement comes as Alliance and partner; Quasar Resources remain locked in legal battles over the mine's native title registration and management. *The Advertiser*, (Adelaide SA, 21 January 2010), 57.

10/02/2010

Public concern over Cultana Training Area expansion

The Cultana Training Area expansion project, located between Port Augusta and Whyalla, was first proposed five years ago. Residents, business owners and pastoral lease holders have voiced concern regarding time delays. The Department of Defence said a time frame for the expansion could not yet be determined as this is dependent on the finalisation of ongoing Indigenous Land Use Agreements (ILUAs). The Department of Defence informed the public that 'the process is well underway'. *Port Augusta Transcontinental* (Port Augusta SA, 10 February 2010), 3.

Western Australia

6/01/2010

Landowners resist deadline on Browse

The Government has given Woodside and joint ventures until April 2 to decide on a final suitable location for its \$30 billion Browse Basin development. But Kimberley Land Council chairman Wayne Bergmann said pressing the Traditional Owners to reach a binding agreement by April 2 would be "irresponsible". It is expected that negotiations between key stakeholders will recommence at the end of the month. *The West Australian*, (Perth WA, 6 January 2010), 42. *The Age*, (Melbourne VIC, 6 January 2010), 20. *Broome Advertiser*, (Broome WA, 28 January 2010), 4.

8/01/2010**WA government to negotiate native title**

Negotiations to resolve native title over Perth and the South-West have commenced after a Heads of Agreement (HOA) was signed between the State Government and the South West Aboriginal Land and Sea Council last year. The HOA establishes a two-year timeframe for the negotiation of a settlement package that will resolve all current and future native title claims across the area which stretches from Geraldton to the South West coast near Esperance. *Augusta Margaret River Times*, (Margaret River WA, 08 January 2010), 7. *Mandurah Mail*, (Mandurah WA, 7 January 2009), 30. *The Australian*, (Australia AU, 8 January 2010), 5.

Toro closer to yellowcake

Toro Energy has received approval from the Western Australian Government for creation of a test pit as part of its Wiluna uranium project. The test pit is a key component of the company's feasibility study. Permissions and work on the project have been approved by native title representatives and work is expected to start in March 2010. *The Canberra Times*, (Canberra ACT, 8 January 2010), 15. *The Herald*, (Newcastle NSW, 8 January 2010), 25.

10/02/2010**\$42m go-ahead for Newman tourism site**

A 10-hectare Newman site will be developed as residential and short-term tourism accommodation following the signing of an agreement between the Western Australian government and Grandtown Pty Ltd. This agreement will enable a \$42 million development for the Newman community. The developer is a consortium comprising the Karlka Niyaparli Aboriginal Corporation (representing native title claimants for the Newman town site) and Grandtown Sun Village Pty Ltd. This signing will reportedly bring significant benefits to native title claimants in the area. Indigenous contractors will be employed on the construction of the development. *North West Telegraph* (South Hedland WA, 10 February 2010), 39.

11/02/2010**Perdaman urea plant will need 1500-man construction camp**

After positive negotiations with the Gnaala Karla Booja native title claimant group, a formal announcement is expected to be made in March 2010 regarding the building of a 1500-man construction camp for people working on Perdaman

Chemicals and Fertilisers' planned urea plant. *Collie Mail* (Collie WA, 11 February 2010), 2.

18/02/2010**Family's 'direct connection to country'**

At a family meeting chaired by the South West Aboriginal Land and Sea Council, Trevor Walley of Rockingham was nominated to represent his family on a Nyoongar governance working party. Council regional development leader, Gail Beck, said people selected for the working party had to prove their links to those in the metropolitan area who were there before sovereignty. Mr. Walley will be joined by his sister Cheryl Martin on the Region 6 Metro Working Party, which will deal with issues such as future acts and key developments and heritage, with a view to allowing development while also conserving Aboriginal heritage. *Sound Telegraph* (Rockingham WA, 17 February 2010), 4.

Mine Plan on Agenda

Subject to native title and environmental approvals, iron-ore carriers will start loading out of Wyndham Port in April 2011. A new iron-ore mine is being planned at a site 170km south of Wyndham. *Kimberley Echo* (Kununurra WA, 18 February 2010), 1.

Indigenous Affairs Minister hands land titles to Yawoorroong Miriuwung Gajerrong Yirrgeb Noong Dawang people

The assets of Yawoorroong Miriuwung Gajerrong Yirrgeb Noong Dawang Aboriginal Corporation (MG Corporation) last week received a significant boost with Western Australian Indigenous Affairs Minister Kim Hames transferring freehold land titles for two Kununurra residential blocks to the corporation. The blocks were transferred from the Aboriginal Lands Trust. The transfer recognises the Yawoorroong Miriuwung Gajerrong Yirrgeb Noong Dawang people as the native title holders of the area. *Kimberley Echo* (Kununurra WA, 18 February 2010), 8.

Countdown on for proposed Kimberley developments

The Woodside-led Browse LNG joint venture has endorsed James Price Point as the preferred location for its \$30 billion mining project. The decision was welcomed by state and federal governments and the Kimberley Land Council. The federal government had threatened to revoke the Browse gas permits if the partners did not agree to use the proposed LNG hub by April. However, the decision has drawn condemnation from conservation groups and some local Indigenous people. Mr. Murray Wilcox QC has flagged a

probable legal challenge concerning the validity of a compensation deal reached with Traditional Owners. *Business News* (Perth WA, 18 February 2010), 8. *Blue Mountains Gazette* (Blue Mountains NSW, 17 February 2010), 22. *Broome Advertiser* (Broome WA, 18 February 2010), 3. *The Australian* (National AU, 10 February 2010), 6. *The Sydney Morning Herald* (Sydney NSW, 10 February 2010), 5.

24/02/2010

Native title groups help manage land

Pilbara's Nyangumarta Traditional Owners and the Department of Environment and Conservation (DEC) have started to plan for and conserve the marine environment at Eighty Mile Beach. The consultation process, between the Nyangumarta people, Yamatji Marlpa Aboriginal Corporation and the Marine Policy and Planning Branch of the DEC has taken over eighteen months. In addition, the DEC had been working with six other native title groups along the Pilbara coast to investigate the prospect of developing further marine parks and reserves. *North West Telegraph* (South Hedland WA, 24 February 2010), 21.

26/02/2010

\$196m Broome native title deal

The State Government and Yawuru traditional owners signed off on two Indigenous Land Use Agreements resolving native title and compensation issues over 5300 sq km of land in and around Broome. It has been reported as Australia's largest ever native title agreement.

The agreement gives the Yawuru people a package worth almost \$200 million including land worth \$140 million for development and cultural and social welfare purposes. Under the deal, almost 2000 ha will be made available in Broome for housing, tourism development, industrial use and a new Broome airport. *Broome Advertiser* (Broome WA, 25 February 2010), 1, 2. *The Australian* (National AU, 25 February 2010), 6. *The West Australian* (Perth WA, 25 February 2010), 3. *The West Australian* (Perth WA, 26 February 2010), 17. *The Kalgoorlie Miner* (Kalgoorlie WA, 26 February 2010), 5. *The Australian* (National AU, 26 February 2010), 7. *Australian Financial Review* (National AU, 26 February 2010), 15. *The Age* (Melbourne VIC, 27 February 2010), 6.



Indigenous Land Use Agreements

NAME	TRIBUNAL FILE NO.	TYPE	STATE OR TERRITORY	REGISTRATION DATE	SUBJECT-MATTER
Thalanyji and Glen Florrie Pastoral ILUA	WI2009/023	BCA	WA	7/01/2010	Access
Thalanyji and Minderoo Pastoral ILUA	WI2009/024	BCA	WA	7/01/2010	Access
Thalanyji and Nyang (Emu Creek) Pastoral ILUA	WI2009/025	BCA	WA	7/01/2010	Access
Thalanyji and Yanrey Pastoral ILUA	WI2009/026	BCA	WA	7/01/2010	Access
Thalanyji and Koordarrie Pastoral ILUA	WI2009/027	BCA	WA	7/01/2010	Access
Timber Creek ILUA	DI2009/006	BCA	NT	11/01/2010	Development
Strathgordon/ Cook Shire Council ILUA	QI2009/028	AA	QLD	12/01/2010	Access
Dja Dja Wurrung and Paul Simmonds & Brian Williams ILUA	VI2009/004	AA	VIC	12/01/2010	Mining Exploration
Strathgordon Roads Body Corporate	QI2009/059	BCA	QLD	14/01/2010	Infrastructure
Jangga People and Charters Towers Regional Council, Isaac Regional Council and Whitsunday Regional Council ILUA	QI2007/007	AA	QLD	11/02/2010	Access
Small Scale Regional Mining ILUA (Dja Dja Wurrung and PMAV)	VI2008/006	AA	VIC	22/02/2010	Mining Exploration

This information has been extracted from the Native Title Research Unit ILUA summary:

<http://www.aiatsis.gov.au/ntru/docs/resources/issues/IluaSummary.pdf> , 1 March 2010. For further information about native title determinations contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

Determinations

SHORT NAME	CASE NAME	DATE	STATE OR TERRITORY	OUTCOME	LEGAL PROCESS	TYPE
No determinations took place from January 1, 2010 to 28 February, 2010.						

This information has been extracted from the Native Title Research Unit Determinations summary:

<http://www.aiatsis.gov.au/ntru/docs/resources/issues/DeterminationSummary.pdf> , 1 March 2010. For further information about native title determinations contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

Items in the AIATSIS Catalogue

The following list contains either new or recently amended catalogue records relevant to Native Title issues. Please check MURA, the AIATSIS on-line catalogue, for more information on each entry. You will notice some items on MURA do not have a full citation because they are preliminary catalogue records.

The AIATSIS Library now has copies of the *Indigenous Mining & Enterprise Task Force. Annual reports* from 2002 to the present (<http://www.imetf.org>) and *RALU: Research and Aboriginal land use*, issued by the CSIRO.

Some special correspondence files newly listed by AIATSIS are:

Gugler, Ann.
[Correspondence between Ann Gugler and Graeme Ward pertaining to Stirling Park and surrounds and the publication by Ann Gugler on the history of human habitation in Stirling Park (A.C.T.)] 2004.

Hale, Ken.
Correspondence from and to Ken Hale on Walbiri /Walpiri language. 1975-1977.

Gillespie, Dan.
[Correspondence, newspaper clippings and transcripts of Supreme Court proceedings concerning the dismissal and subsequent revoking of permits for Maningrida Council employees Dan Gillespie, Peter Cook and David Bond]. 1977-1979.

Audiovisual material of interest to native title includes:

Film and Video:

Films taken at Croker Island by Rupert James Kentish from 1940 – 1950. (DAC00011_1-6)

Film made at Fregon Aboriginal Reserve by Sandra C. Paech in 1976. (FC00818_1)

Audio

Nyangumarta oral history - 49 transcriptions and English translations of recordings in Nyangumarta or Nyangumarta and English taken from 6 hours of recordings. 1992-1993. (SCRIMGEOUR_A01)

Photographic

Anbarra and Nanggiwumerri daily activities and lifestyle. 228 colour slides. 1987. (MEEHAN_JONES.2.CS)

Anthropology

Glaskin, Katie, Myrna Tonkinson, Yasmine Musharbash and Victoria Burbank, eds. *Mortality, Mourning and Mortuary Practices in Indigenous Australia*. Franham and Burlington : Ashgate, 2008. NOTE: See the following articles of interest to native title from this volume:

Babidge, Sally.
'Death, family and disrespect in a Northern Queensland town.' p. [137]-152.

Barber, Marcus.
'A place to rest: dying, residence and community stability in remote Arnhem Land.' p. [153]-169.

Burbank, Victoria Katherine.
'Indigenous ways of death in Australia.' p. [1]-20.

Davis, Richard.
'A life in words: history and society in Saibai Island (Torres Strait) tombstones.' p. [171]-187.

Elliott, Craig.
'Social death and disenfranchised grief: an Alyawarr case study.' p. [103]-119.

McCoy, Brian.
'Death and health: the resilience of 'Sorry Business' in the Kutjungka region of Western Australia.' p. [55]-68.

Morphy, F. (Frances) and Howard Morphy.
'Demography and destiny.' p. [209]-214.

Musharbash, Yasmine.
'Sorry business is Yapa way': Warlpiri mortuary ritual as embodied practice.' p. [21]-36.

Redmond, Anthony.
'Time wounds: death, grieving and grievance in the northern Kimberley.' p. [69]-86.

Tonkinson, Myrna.
'Solidarity in shared loss: death-related observances among the Martu of the Western Desert.' p. [37]-53.

Archaeology

Brown, Steve.
'Mute or mutable? Archaeological significance, research and cultural heritage management in Australia.' *Australian Archaeology* no. 67, (Dec. 2008) p. 19-30.

David, Bruno et al.
'Koeu Ngurtai: the emergence of a ritual domain in Western Torres Strait.' *Archaeology in Oceania* Vol. 44, no. 1 (April 2009) p. 1-17.

Gibbs, Martin and Rodney Harrison.
'Dynamics of dispersion revisited? Archaeological context and the study of Aboriginal knapped glass artefacts in Australia.' *Australian Archaeology* no. 67 (Dec. 2008), p. 61-68.

Leslie, Fiona
Sugarloaf Point lighthouse, Myall Lakes National Park, NSW : Aboriginal archaeological test excavation report. 2006.

Lourandos, Harry.
'Constructing 'hunter-gatherers', constructing 'prehistory': Australia and New Guinea.' *Australian Archaeology* no. 67 (Dec. 2008), p. 69-78.

Sullivan, Sharon.
'More unconsidered trifles? Aboriginal and archaeological heritage values: integration and disjuncture in cultural heritage management practice.' *Australian Archaeology* no. 67 (Dec. 2008), p. 107-115.

Economics

Gray, Matthew and Jon Altman.
'The economic value of harvesting wild resources to the Indigenous community of the Wallis Lake Catchment, NSW.' *Family Matters: Indigenous families*, No. 75 (2006), p. 24-33.

Government policy

Kerins, Sean.
'The first ever Northern Territory Homelands / Outstations policy.' *Indigenous law bulletin*, Vol. 7, No. 14 (Sept. - Oct. 2009), p. 7-10.

Macklin, Jenny.
'Can native title deliver more than a 'modicum of justice'? *Reform*, No. 93 (2009), p. 14-16.

Governance and politics

Coram, Stella.
'Intervention or inversion: Australian Indigenous justice and the politics of cultural incompatibility.' *Anthropological Forum* Vol. 19, no.2 (July 2009), p. [195]-216.

Sullivan, Patrick.
Indigenising post-colonial governance [electronic resource] : the Harvard Project on Native American economic development and its relevance to Aboriginal political life in Australia. 2005.
<http://www.mngt.waikato.ac.nz/ejrot/cmsconference/2005/proceedings/postcolonialism/Sullivan.pdf>

Watson, Irene
'In the Northern Territory intervention: what is saved or rescued and at what cost?' *Cultural Studies Review* Vol. 15 no .2 (September 2009), p. 45-60.

History- exploration and accounts

Basedow, Herbert, 1881-1933.
Narrative of an expedition of exploration in north-western Australia. Carlisle, W.A. : Hesperian Press, 2009.

Brockman, John, b. 1843.
The journal of the Brockman Droving Expedition of 1874-75 to the north west of Western Australia. /edited by Nan Broad with Peter Bridge ; with an introduction on the origins of the Expedition and the fate of the Clarkson Brothers by Nan Broad. Carlisle, W.A: Hesperian Press, 2006 .

Brooker, Lesley.
Expedition eastward from Northam : by the Dempster brothers, Clarkson, Harper and Correll, July-August 1861. Carlisle, W.A. : Hesperian Press, 2006.

Darke, John Charles, 1806-1844.
Journals of expeditions in Van Diemen's Land 1833. Adelaide : Sullivan's Cove, 1985.

Dickson, Rod (Rodney Arthur)
The history of the whalers on the south coast of New Holland from 1800 – 1888. Carlisle, W. A. : Hesperian Press, 2007.

Ford, Lisa.

Settler sovereignty : jurisdiction and Indigenous people in America and Australia, 1788-1836. Cambridge, Mass. : Harvard University Press, 2010.

Gregory, Augustus Charles Sir, 1819-1905.

Journals of Australian explorations / by Augustus Charles Gregory and Francis Thomas Gregory. Brisbane : James C. Beal, Government Printer, 1884.

Available electronically at Project Gutenberg:
http://www.gutenberg.org/wiki/Main_Page

Gugler, Ann.

A history of human habitation of Stirling Park, Yarralumla 2003-2004 : a study of the cultural landscape of the land also known as Canberra, Guru Bung Dhaura and Westlake. Publication info: 2004.

Hann, Frank Hugh, 1845-1921.

Do not yield to despair : Frank Hugh Hann's exploration diaries in the arid interior of Australia, 1895-1908 / compiled and edited by Mike Donaldson and Ian Elliot. Carlisle, W.A. : Hesperian Press, 1998.

Hill, Henry William, 1867-1943.

Desert, drought, and death : the Border Exploration Syndicate Expedition to the Rawlinson Range 1899-1900. Carlisle, W.A. : M.G. Creasy and Hesperian Press, 2009.

Hordern, Miles.

Passage to Torres Strait : four centuries in the wake of great navigators, mutineers, castaways and beachcombers. London : John Murray, 2005.

Hoskins, Ian.

Sydney Harbour : a history. Sydney : New South, University of New South Wales Press, 2009.

McCrae, George Gordon, 1833-1927.

Recollections of Melbourne & Port Phillip Bay in the early Forties. Adelaide : Sullivan's Cove, 1987.

Mennis, Mary.

The red cliffs : a story of Moreton Bay 1799-1830. Moorooka, Qld: Boolarong Press, 2009.

Moran, Kevin James.

Sand and stone : foreign footprints : police in the Kimberley 1880-1890s. Carlisle, W. A. : Hesperian Press, 2009.

Moran, Kevin James.

Sand and stone : the social history of Western Australia as recorded by the pioneer police of the eastern frontiers. Part 2, Pastoralists & prospectors. Perth [W.A.] : Frickers International Publishing, 2000.

Myall Creek Memorial Committee.

Myall Creek massacre & memorial : our shared history. Bingara [N.S.W.] : Myall Creek Memorial Committee, 2008.

Penney, Jan.

Encounters on the river [manuscript] : Aborigines and Europeans in the Murray Valley 1820-1920. La Trobe University. Theses. History Dept. 1989.

Sheaffe, Stephen.

'A tragic injustice: the trial of Kipper Billy and Billy Horton.' *Journal of the Royal Historical Society of Queensland* Vol. 19 no. (5 February 2006), p. 824-840.

Sturt, Charles, 1795-1869.

The central Australian expedition, 1844-1846 : the journals of Charles Sturt. London : Hakluyt Society, 2002.

Indexes, directories and guides

Gregory, Jenny and Jan Gothard, eds.

Historical encyclopedia of Western Australia. Crawley, W.A. : University of Western Australia Press, 2009.

Pham, Lan and Terri Janke.

'Codifying culture: Indigenous Australian art commercial code of conduct'. *Indigenous law bulletin*, Vol. 7, No. 13 (July - Aug. 2009), p. 25-27.

Land acquisition and land management

Cherrington, Mark.

'Indigenous peoples and climate change.' *Cultural Survival Quarterly*, Vol. 32, no. 2 (Summer 2008), p. 10-12.

Collings, Neva.

'Access and benefit sharing - protecting biodiversity and Indigenous knowledge.' *Indigenous law bulletin*, Vol. 7, No. 14 (Sept. - Oct. 2009), p. 11-15.

Department for Environment and Heritage.

Management plan : Witjira National Park. Adelaide : Department for Environment and Heritage, 2009.

Giotis, Chrisanthi.

'The Gully Aboriginal Place in Katoomba: implementing the National Parks and Wildlife Act?.' *Indigenous law bulletin*, Vol. 6, No. 27 (May 2007), p. 2-3.

Green, Donna et al.

'Climate change: impacts in the Torres Strait, Australia.' *Indigenous law bulletin*, Vol. 7, No. 8 (Oct. 2008), p. 2-3, 6.

Hall, Nicholas K.

Grampians rock art management workshop Halls Gap June 5-8 1990 : summary and recommendations. 1990.

Hemming, S. J. et al.

'Caring for Ngarrindjeri country: collaborative research, community development and social justice.' *Indigenous law bulletin*, Vol. 6, No. 27 (May 2007), p. 6-8.

McLoughlin, Meg.

'Wild rivers, conservation and Indigenous rights: an impossible balance?' *Indigenous law bulletin*, Vol. 7, No. 13 (July - Aug. 2009), p. 3-6.

Nadjamerrek, Lofty Bardayal

Wardekkeren rock country : a joint statement on the Wardekkeren Indigenous Protected Area. Prepared by Bardayal Nadjamerrek...[et al.]; translated and edited by Murray Garde. Canberra : CAEPR, [2009?].

North Australian Indigenous Land and Sea Management Alliance (NAILSMA)

"Always part of us" : the socioeconomics of Indigenous customary use and management of dugong and marine turtles : a view from Bardi and Jawi sea country, Western Australia. Darwin : North Australian Indigenous Land and Sea Management Alliance (NAILSMA), 2009.

Ross, Joe and Emily Gerrard.

'Climate change: issues facing Indigenous Australians.' *Indigenous law bulletin*, Vol. 7, No. 8 (Oct. 2008), p. 7-10

Rossi, Alana M., R. Esme Webb.

'The consequences of allowing unrestricted tourist access at an Aboriginal site in a fragile environment: the erosive effect of trampling.' *Conservation and management of archaeological sites*, vol. 9, no. 4 (2007), p. [219]-236.

Torres Strait Regional Authority Land and Sea

Management Unit. *Dugong and Marine Turtle Teaching Resource and Information Package*. Darwin : North Australian Indigenous Land & Sea Management Alliance (NAILSMA), Sept. 2009.

Language

Dixon, R. M. W. (Robert Malcolm Ward).

'Language contact in the Cairns rainforest region.' *Anthropological Linguistics* Vol. 50 no. 3-4 (Fall and Winter 2008), p. 223-248.

Legal issues

Beacroft, L. (Laura).

'ORATSIC and the CATSI Act.' *Indigenous law bulletin*, Vol. 6, No. 30 (Sept. - Oct. 2007), p. 19-22.

Berg, Shaun.

Coming to terms : Aboriginal title in South Australia. Kent Town, S. Aust. : Wakefield Press, 2010.

Blagg, Harry et al.

'Aboriginal customary law in Western Australia.' *Reform: a journal of national and international law reform: customary law*, No. 80 (2002), p. 11-14, 70.

Calma, Tom.

'Native title in Australia: good intentions, a failing framework?' *Reform*, No. 93 (2009), p. 6-9.

Charles, Chris.

'The national cross-border justice scheme.' *Indigenous law bulletin*, Vol. 7, No. 12 (May - June 2009), p. 23-26.

Clark, Geoff

'Not just payback: Indigenous customary law.' *Reform: a journal of national and international law reform: customary law*, No. 80 (2002), p. 5-10, 69.

Gerrard, Emily.

'A new beginning? looking at Victoria's native title settlement framework.' *Indigenous law bulletin*, Vol. 7, No. 13 (July - Aug. 2009), p. 16-20.

Lewis, Bridget.

'Indigenous human rights and climate change.' *Indigenous law bulletin*, Vol. 7, No. 8 (Oct. 2008), p. 11-13.

MacGillvray, Peta.

'Aboriginal people, the United Nations and racial discrimination: the request for urgent action in the Northern Territory.' *Indigenous law bulletin*, Vol. 7, No. 10 (Jan. - Feb. 2009), p. 6-10.

McLean, Adam.

'Frameworks to settling native title.' *Indigenous law bulletin*, Vol. 7, No. 12 (May - June 2009), p. 27-30.

Martin, Fiona.

'Is the aim of preserving and enhancing Indigenous culture a charitable purpose?' *Indigenous law bulletin*, Vol. 6, No. 30 (Sept. / Oct. 2007), p. 9-10, p. 11- 14.

Orenstein, Joel.

'The difficulties faced by Aboriginal Victorians in obtaining identification.' *Indigenous law bulletin*, Vol. 7, No. 8 (Oct. 2008), p. 14 – 17.

Stobbs, Nigel.

'An adversarial quagmire: the continued inability of the Queensland criminal justice system to cater for Indigenous witnesses and complainants.' *Indigenous law bulletin*, Vol. 6, No. 30 (Sept. - Oct. 2007), p. 15-18.

Mediation

Bauman, Toni.

'Speaking across difference: native title mediation and peacebuilding in Australia.' *Mediating in the Asia-Pacific Region: transforming conflicts and building peace* / edited by Dale Bagshaw and Elisabeth Porter, Oxford: Routledge, 2009, p. 50-70.

Native title and land rights cases

Behrendt, Jason.

'The Wagga land claim: Minister Administering the Crown Lands Act v NSW Aboriginal Land Council [2008] HCA 48.' *Indigenous law bulletin*, Vol. 7, No. 9 (Nov. - Dec. 2008), p. 22-25.

Jowett, Tina.

'Single Noongar claim: some thoughts on preparing a native title claim.' *Indigenous law bulletin*, Vol. 6, No. 27 (May 2007), p. 21-23.

Procedures and protocols – Archives and Libraries

Society of American Archivists.

Describing archives : a content standard. Chicago: Society of American Archivists, c2004.

Social justice

Anaya, S. James.

'Statement of the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous people.' *Indigenous law bulletin*, Vol. 7, No. 14 (Sept. - Oct. 2009), p. 20-22.

Calma, Tom.

Social justice and native title reports 2008. *Indigenous law bulletin*, Vol. 7, No. 13 (July - Aug. 2009), p. 28-29.



Want faster access to information?

The Newsletter is also available in electronic format. This will provide a faster service for you, and will make possible much greater distribution, it is better for the environment and allows you to use the hyperlinks contained in each issue. If you would like to **SUBSCRIBE** to the Native Title Newsletter electronically, please send an email to 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.

THE NATIVE TITLE RESEARCH UNIT

AIATSIS acknowledges the funding support of the Indigenous Programs Branch of the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA).

For previous editions of this Newsletter, click on the Native Title Research Unit link at www.aiatsis.gov.au or go to <http://ntru.aiatsis.gov.au/publications/newsletters.html>

Native Title Research Unit
Australian Institute of Aboriginal and Torres Strait Islander Studies
GPO Box 553
Canberra ACT 2601
Telephone 02 6246 1161
Facsimile 02 6249 7714
Email: ntru@aiatsis.gov.au

© Commonwealth of Australia 2010

This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission from the Commonwealth. Requests and inquiries concerning reproduction and rights should be addressed to the Commonwealth Copyright Administration, Attorney-General's Department, Robert Garran Offices, National Circuit, Barton ACT 2600 or posted at <http://www.ag.gov.au/cca>

Views expressed in this Newsletter are not necessarily those of the Australian Institute of Aboriginal and Torres Strait Islander Studies

