



Native Title Newsletter

AIATSIS Native Title Research Unit

July/August 2004

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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, 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.
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Staff Movements

George Villaflor left the NTRU at the end of June. Siv Parker has taken up her new position in Executive and is no longer the Native Title Conference Co-ordinator. Craig Greene, previously from the Indigenous Leadership Centre, is now Conference Co-ordinator for the both the 2004 AIATSIS Conference and the 2005 Native Title Conference. Dr Lynley Wallis has joined the Indigenous Facilitation and Mediation Project for two and a half days each week.

James Weiner has joined the NTRU for three months as a visiting fellow. James has been a consultant anthropologist in native title since 1998. He has authored native title connection reports on behalf of various applicant groups in Queensland, including the Butchulla and Wondunna clan of Fraser Island, and has acted as a peer reviewer for connection reports for the States of Queensland and Victoria.

Research Activities July-August

Lisa Strelein, Stuart Bradfield and former NTRU staff member Jane Anderson (now a Visiting Research Fellow) assisted in compiling the AIATSIS submission to the Senate Select Committee on the Administration of Aboriginal Affairs. The submission discussed how the proposed changes to ATSIC/ATSIS will affect the Institute, anticipating an expanded role as a national Indigenous institution and, consequently, a significantly higher profile for AIATSIS. The submission also noted the wider implications of proposed changes to the administration of Indigenous affairs, suggesting new arrangements to replace ATSIC structures should be taken only after full and open consultation with Indigenous peoples. They will have to respect both the diversity of Indigenous communities, as well as the particular role of traditional owners. Further information can be found at

<http://www.aph.gov.au/Senate/committee/indigenouaffairscctte/submissions/sublist.htm>

Toni Bauman attended the New Humanities conference in Prato, Italy. She presented a paper, 'Australian Indigenous 'Cultures', Conflict and Categorisation', as part of a panel titled 'Culture and Conflict' with Dr Patrick Sullivan, Michael Bissell (Minerals Council), Prof. Michael Dodson as discussant and Dr Mary Edmunds (ANU Centre for Cross Cultural Research) as chair. The Indigenous Facilitation and Mediation Project would like to thank Newmont Australia for their sponsorship of Toni's participation in this panel, which also explored implications for the mining industry.

Lisa Strelein and Stuart Bradfield published an article in the July/August edition of the *Indigenous Law Bulletin*, 'The Single Noongar Claim: Negotiating native title in the South West'.

Serica Mackay prepared a submission on behalf of AIATSIS to the Queensland Legal, Constitutional and Administrative Review Committee's inquiry regarding a preamble for the Queensland Constitution. The submission addressed the proposed preamble's reference to Aboriginal and Torres Strait Islander people.

Stuart Bradfield presented his paper, 'Agreement making is the way to go, but where are we going? Coming to grips with native title agreement making' for the AIATSIS Seminar Series 'Profiling AIATSIS Research: Current themes of AIATSIS staff, grantees and members'.

Grace Koch attended the International Association of Sound and Audiovisual Archives (IASA) and International Association of Music Librarians (IAML) joint conference 'Music and Multimedia' held at the University of Oslo, Norway from 8-13 August 2004. The Conference provides valuable information on

dissemination and preservation of audiovisual materials, which are being requested more frequently by native title clients.

Grace organised a session on multimedia applications for endangered languages, presented a paper, written with Patrick McConvell on 'Multimedia and the preservation of endangered languages – recent developments', and served as Secretary for the Research Archives Section of IASA, documenting the session and resolutions that were agreed on.

Lara Wiseman has been liaising with native title representative bodies and other stakeholders seeking feedback on a draft version of a new NTRU publication, the *Native Title Resource Guide*. The *Guide* is an on-line research resource that acts as a portal site for accessing information about native title. The *Guide* includes some brief commentary and collates native title information from a wide range of sources including: native title representative bodies, the National Native Title Tribunal, the Indigenous Land Corporation, government departments, the Agreements Treaties and Negotiated Settlements Project, and the Federal Court, providing one-stop access to native title web resources. For information

about this project or to suggest material for inclusion in the *Guide* please contact Lara on 02-6261 4244 or lara.wiseman@aiatsis.gov.au.

The Indigenous Facilitation and Mediation Project (IFaMP) has commenced work on establishing an e-mail network for Indigenous facilitators and mediation practitioners. The first issue to be discussed concerns the establishment of a register of Indigenous dispute resolution practitioners. IFaMP is currently compiling a list of Indigenous practitioners, but questions such as access, criteria for inclusion, and maintenance of the list past the life of the project (June 2006) need to be considered. IFaMP would be pleased to hear from any Indigenous facilitators or mediators who wish to be added to this preliminary list.

Individual reports on the three NTRB workshops held in May 2004 have been provided by IFaMP to participating NTRBs. The final summary report, with analysis of the issues and future directions, has been drafted. Once comments have been received from the Project Reference Group, the Report will be revised and made available on the IFaMP web site in October.

WHAT'S NEW

Issues Papers

Issues paper no. 28 is now available. The paper, Promoting Economic and Social Development Through Native Title was to be presented at the Native Title Conference in June 2004 by Bill Jonas, the former Aboriginal and Torres Strait Islander Social Justice Commissioner. The paper is available online at http://www.aiatsis.gov.au/rsrch/ntru/ntru_issuespprs.htm. To subscribe free of charge to the Issues Paper series please contact ntru@aiatsis.gov.au.

Conference Papers

Native Title Conference papers are now available on the Conference website (accessible through www.aiatsis.gov.au under Native Title Conference 2004). Please note that this is not a complete list. Papers will be posted as we receive them but speakers need to forward them to Serica.mackay@aiatsis.gov.au (Ph 02-6246 1171) before this can happen.

NTRB.net

NTRB.net, the website for and about Native Title Representative Bodies, has had a make-over. The website is designed as a guide for NTRBs to provide information and to assist

them in the performance of their statutory functions. NTRB.net is also designed to provide information to native title clients and the general public in relation to information and developments of Australian native title issues. NTRB staff have access to the NTRB only sections of the website but members of the public still have access to a range of sites, such as the Native Title Business Exhibition, an exhibition of contemporary Indigenous art, the NTRB map, frequently asked questions about NTRBs and a resource directory.

Visit www.ntrb.net

New Publications

Malcolm Allbrook and Dr Mary Anne Jebb, *Implementing and Resourcing of Native Title and Related Agreements*, a report commissioned by the National Native Title Tribunal. Available from

http://www.nntt.gov.au/whatsnew/1091005112_2192.html

M Langton, M Tehan, L Palmer and K Shain (eds), *Honour Among Nations? Treaties and Agreements with Indigenous People*, Melbourne University Press, 2004.

See the book review on page 7.

The current issue of Dialogue, the newsletter of the Academy of the Social Sciences in Australia, includes several articles on the abolition of ATSIC. The abolition of ATSIC: silencing Indigenous voices? Available from:

<http://www.assa.edu.au/publications/Dialogue/dial22004.pdf>

Library Digitisation Project

The AIATSIS Library currently has eight online exhibitions as part of its digitisation program. Included are complete copies of Dawn and New Dawn magazine, a magazine published in NSW from 1952 to 1975 by the New South Wales Aborigines Welfare Board. Dawn and New Dawn provided interesting information and an exchange of news and views, they also contained articles about the conditions and activities on reserves, stations, homes and schools throughout New South Wales.

As part of the digitisation program, the Library also has a Rare Book Collection available online called 'Portraits'.

Online exhibitions can be accessed through the AIATSIS website at http://www.aiatsis.gov.au/lbry/dig_prgm/online_exhibitions.htm

University of Western Australia Native Title Course

The University of Western Australia has two new courses that commence in 2005 relevant to native title.

The Graduate Certificate in Applied Anthropology (Native Title & Cultural Heritage) aims to equip graduates with theoretical, analytical and practical skills required for practice in the fields of applied native title and cultural heritage anthropology. The Graduate Diploma in Applied Anthropology (Native Title & Cultural Heritage) builds on the units in the certificate course, with the aim of producing graduates with a capacity for independent research and professional practice in the fields of native title and cultural heritage anthropology.

Further information about the courses can be obtained by going to http://www.anthropology.arts.uwa.edu.au/home/applied_anthropology

Launch of the Federal Court's Native Title Infobase

The Federal Court of Australia has launched its Native Title Infobase (NTIB). The NTIB covers all aspects of Australian native title and also includes selected material from New Zealand, United States, Canada, Africa, Asia and other countries with Indigenous populations involved in disputes over access to their traditional lands.

The NTIB contains selected material dating back to 1839 of which 60% is in full text. The Native Title Infobase can be found at: <http://www.fedcourt.gov.au/catalogues/search.html>.

Australian Indigenous Cultural Network – online access through AIATSIS

The Australian Indigenous Cultural Network (AICN) was an organisation aimed at providing Indigenous Australians with access to their cultural heritage materials held by public institutions in Australia and overseas. AICN also helped consolidate and expand community collections, identify and access cultural information held by collecting bodies, and consolidate and preserve Indigenous peoples' own collections, expanding them with contemporary narratives, especially those of the elderly.

The AICN officially concluded business at the end of 2003 but the AICN collections overview is available for use by communities and researchers through the AIATSIS website. The sample of materials comes from nineteen museums and galleries throughout Australia. Collections are accessible by institution and the links to each are followed by bibliographies for Australian museums and art galleries, each arranged by institution.

Visit the Australian Indigenous Cultural Network through www.aiatsis.gov.au

ANTAR Report Card

ANTAR, the organisation of Australians for Native Title and Reconciliation have released a 'report card' for the Liberal/National coalition, Labour, Democrats and the Greens in anticipation of the federal election. The report card lists parties' responses to standard questions under topics such as reconciliation, self-determination, Indigenous disadvantage, native title, stolen generations, and Indigenous heritage. Available from: http://www.Antar.org.au/election04_reportcard.html

UPCOMING EVENTS

AIATSIS Conference 2004

The AIATSIS Conference 2004 is being held at the Australian National University in Canberra from Monday 22 to Thursday 25 November 2004. The theme of the conference is *Indigenous Studies - Sharing the Cultural and Theoretical Space* and its aim is to encourage and

Sharing Australia's Stories

Sharing Australia's Stories is a new grants program administered by the Department of the Environment and Heritage that gives individuals, schools, local government authorities and not-for-profit organisations the opportunity to show how their stories have contributed to the events and themes that have shaped our nation.

Grants between \$5000 and \$50 000 are available for projects that contribute to the understanding of one of a number subjects, such as the course or pattern of Australia's natural or cultural history, the principle characteristics of a class of Australia's natural or cultural environments, the aesthetic characteristics values by a community or cultural group, the social, cultural or spiritual history or life of a particular community or cultural group (see website for full list).

Eligible projects could be about a place (including a site, area, region, track or route, or a series of related places), community, activity, event, tradition, institution, or a family or a person. Eligible projects could tell the story of an aspect of Australia's natural heritage that has been important in shaping the flora, fauna or landscapes of the continent, or could involve activities such as publishing brochures, books, guides or website or developing events, displays, interpretative exhibitions or signage.

Applications close 15 October 2004. For more information visit www.deh.gov.au/programs or contact the Dept of the Environment and Heritage on 1800 653 004 (free call).

provide for discussion of intercultural approaches to research and related matters.

At present, proposed sessions include: Indigenous tourism in Australia, sharing land and the politics of property, Indigenist research, making space for Indigenous cultural

expressions of well-being in Aboriginal health research and practice, mapping the shared terrain: Indigenous and non-Indigenous concepts of landscape, developing a mutual relationship between theory and practice in a framework for dealing with culture and conflict, sharing language: making dictionaries for Indigenous languages.

There are three registration types – full, AIATSIS Members, and full time students or unemployed concession. Costs vary from between \$100-\$260 for a three day registration and from between \$50-\$125 for one day registration.

For more information on the AIATSIS Conference, or to register, visit the Conference website at www.aiatsis.gov.au and click on the 'AIATSIS Conference 2004' link.

Indigenous Research Forum

The 6th Indigenous Research Forum is hosted by the Umulliko Indigenous Higher Education Research Centre at the University of Newcastle. This year's theme is 'Centering Indigenous Voices in Research' and will take place from 29 November - 1 December 2004.

The forum is intended for Indigenous researchers and academics to present their research or works in progress, to provide an opportunity and a space for Indigenous researchers to get together, to allow Indigenous post-graduate students to meet and discuss issues relevant to them, and to explore culturally appropriate expressions of research outcomes.

For more information call (02) 4921 6863 or go to: <http://www.newcastle.edu.au/centre/umulliko/irf2004/>

AAS Conference

The Australian Anthropological Society Annual Conference is being held at the University of Melbourne from 28 September – 1 October 2004. This year's theme 'Moving Anthropology: Motion, Emotion and Knowledge' includes a session on challenges for anthropology in native title practice.

More information is available from: <http://www.anthropology.unimelb.edu.au/AAS/>

FEATURES

Yorta Yorta Co-operative Land Management Agreement

Henry Atkinson

Spokesperson for Council of Elders, Yorta Yorta Nation

The peoples of the Yorta Yorta Nations struggle for a voice was ignored long, long ago, long before any thought of the coming together of clans to officially form the Yorta Yorta Nation.

The Yorta Yorta peoples had put approximately 19 petitions/claims, including ones to King George V, the Governor of NSW, Victorian Authorities and ruling bodies, for not only land but for compensation, acknowledgement as traditional owners of their coun-

try and the right to self determination. This was going back as far as 1860 and even before this time the Indigenous peoples wanted their land back, to be able to live as they had done for many thousands of years.

Regardless that all members of the Yorta Yorta Nations were accepted by Western definition as belonging to the Yorta Yorta, the Western Law would not accept the peoples of the Yorta Yorta adapting to their culture whilst still retaining what remained of their own culture after the policies of assimilation and integration had decimated them. So what was left for my people who were deemed as not belonging and our very being 'washed away with the tides of history' by Justice Olney. Were we to give up? How many years must we fight for what is morally and legally

ours? The Yorta Yorta Nation were not about to give up.

So onward we marched and right into the Victorian State Government through the Department of Justice and the Attorney-General. None of this would have been possible except for the assistance of some people who supported the Yorta Yorta and could help us in opening doors. This was all the Yorta Yorta needed.

An agreement between us, the government and/or other affiliated organisations was always a possibility and this was a next avenue to gain rights and acknowledgement to our country, through negotiations. The State Government could not, within the law as it now stands, agree to the Native Title Act, but it could come to an agreement. One must acknowledge the Bracks Labor Government of Victoria in following through with an agreement with the Yorta Yorta Nation outside of litigation.

Signing the Agreement

After 3 ½ years of commitment by unpaid Elders and others, came the historic joint signing of the Yorta Yorta Co-Operative Land Management Agreement, between the Victorian State Government and the Yorta Yorta Nation. The main objective of the Yorta Yorta peoples was to be recognised in a binding agreement, with this now being achieved we can begin to move forward.

On the 10th of June 2004, the Victorian State Government signed the joint body agreement, the Yorta Yorta Co-operative Land Management Agreement with the Elders of the Yorta Yorta Nation. The banks of the Murray River at Echuca, Victoria, the traditional land of my people the Wolithiga, (Wolithi-c-a) was the place chosen for the signing of this historical event.

The agreement signifies a long awaited step taken by my people with the State of Victoria in reaching a genuine understanding and acknowledgment with the traditional owners of country. Co-operation between the Yorta Yorta and the Victorian Government is the

way to secure a working relationship for the benefit of all.

Crown land and waters are subject to the Yorta Yorta Co-operative Land Management Agreement with areas including Kow Swamp, Barmah State Park and Barmah State Forest, along sections of the Murray and Goulburn Rivers – a total area of approximately 50,000 hectares.

This agreement recognises the Yorta Yorta people's connection to their traditional land and waters and values the Yorta Yorta people's involvement in planning, management and protection of the environment. This Co-operative Land Management Agreement will enable the Yorta Yorta Nation to provide training and good employment for our people with the input of approx. 1.4 million dollars.

The joint body agreement represents a landmark in the State of Victoria for involving Indigenous peoples in the management of their traditional country outside of the native title process. It also acknowledges the Yorta Yorta Nations cultural connection to country and creates a partnership on recognition, mutual respect and shared goals.

This agreement will form a body which will include three government representatives who, with five Yorta Yorta representatives will listen to the concerns of the Yorta Yorta Nation through its Council of Elders. Any concerns can then be carried to the government if need be.

Out of this the first agreement for the Yorta Yorta Nation and the Victorian Government will come more agreements with phase 2 already on the drawing board. Phase 2 is called The Aspirations Document which will be a non-land management agreement consisting of funding and resources which will enable the Yorta Yorta peoples to have complete say over their assets such as the Dharnya Tourist Centre, the Yenbena Education Centre and Yeilema Farm which are now in desperate need of maintenance and care due to lack of funds.

The Yorta Yorta aspirations are to have a society which is economically viable and to provide ongoing employment, training and management, thereby enabling self determination and sustainability for future generations. Creating our own economic base with employment and training, at last acknowledged and recognised as people in our own right and not being beholden to the welfare system, we will see improvements in health, wellbeing and self respect, thus enabling some of our people to get off the welfare merry-go-round.

Eventually it is hoped by the Yorta Yorta Nation to have an even greater say in traditional country with legislation to go hand in hand with caring for country.

My people are genuinely excited by the prospect of entering a new era built on a solid foundation in which a holistic government approach can be taken to not only land and water management but all of the Yorta Yorta people's broader aspirations. This agreement does not take away any political and legal rights of the Yorta Yorta peoples to access native title which may occur in the future.

Johnny Jango & ors v Northern Territory of Australia & ors **An Anthropologist's Comment**

James F. Weiner

Visiting Research Fellow, Native Title Research Unit

In 2003-04, Sackville J considered three reports submitted on behalf of an application for native title determination over Yulara township in the Northern Territory. The respondents to the application, "depending upon how one counts... made at least 1,100 separate objections to passages" in the two anthropology reports (at 7). Sackville J opined that "each of the reports, in particular the Yulara Anthropology Report, has been prepared with scant regard for the requirements of the *Evidence Act 1995* (Cth)..." (at 8).

Of the largest and main document, the Yulara Anthropology Report, authored by Peter Sutton and Petronella Vaarzon-Morel, Sackville J

complained, "Indeed it is often difficult to discern whether the authors are advancing factual propositions, assuming the existence of particular facts, or expressing their own opinions" (at 11). Lindgren J dealt with this issue last year in the Wongatha native title application (*Harrington-Smith v Western Australia* (No. 7) [2003] FCA 893, where he suggested that lawyers should be "involved in the writing of reports by experts" (*Harrington-Smith* at 19), an opinion with which Sackville J strongly agreed (*Jango* at 10). Sackville also cited *Commonwealth v Yarmirr* ([2001] 208 CLR 1), where Gleeson CJ, Gaudron, Gummow and Hayne JJ said the anthropological report submitted on behalf of that application had been received in evidence "despite it being a document which was in part intended as evidence of historical and other facts, in part intended as evidence of expert opinions the authors held on certain subjects, and in part a document advocating the claimants' case" (*Yarmirr* at 62 [84]).

I wish to offer a specifically anthropological, and hence a partial, perspective on this case, although arguably it is anthropology's role in the native title process that is the main subject of this judgement. I consider two issues.

First, the *Evidence Act (1995)* admits opinion when based on a specialised field of knowledge (s. 79). Consider, however, the anthropologist in the field, attempting to observe everything that is happening in the social life of the community s/he is living in. Anthropological analysis occurs in the back-and-forth movement between the apprehension of the whole of social life and its component individuals, groups, objects and events. How does either the anthropologist, or subsequently, the Court, go about separating which observations are specifically anthropological and which are not? Although this distinction is probably more sustainable under conditions of native title research when the anthropologist is neither co-residing for long periods with a community, nor engaging in open-ended observations and questioning, a great deal of previously-obtained observations and analyses of Aboriginal society recently and currently examined in the Courts were ob-

tained within the framework of conventional anthropological fieldwork.

Second, I wish to relate certain legal glosses such as “argumentative” and “probative” to the methodologies that anthropologists employ in construing both their data and their analysis. After all, both legal and anthropological analyses are verbally and textually constructed, and so as instances of “verbal art” they should be readily comparable.

The Court insists that experts such as anthropologists called to give evidence do so as witnesses for the Court, and not for the Aboriginal claimants—or their “culture”—for whom they may have been employed to undertake research. The Court insists that only evidence that is probative—that which affords proof of a proposition¹-- should be admitted into consideration. They eschew conclusions that are overly speculative and that appear to diverge too far from what the balance of evidence might otherwise support. Admittedly, the line here is a subjectively constituted one, on the part of both anthropologists and jurists.

The argumentative and the probative are, however, also glosses for the different ways we deploy and interpret data *internal* to anthropological and ethnographic writing. Our ethnography must be probative—it must rest on some firmly established and generally accepted evidentiary standard. But because our ethnography, at least in its academic guise, is also deployed towards the task of testing or supporting various anthropological theories, to that extent it must also be argumentative. An integral dimension of what makes argumentation possible and necessary is the acceptance that the same evidence can support different theoretical perspectives. But perhaps it would be more accurate to say that every theoretical disposition brought to the ethnographic enterprise inclines the anthropologist in question to focus on some bodies of evidence at the expense of others.

¹ OED defines “probative” as: “Having the quality or function of testing; serving or designed for trial or probation; probatory. Now *rare*.”

In the native title process, although it is not phrased in these terms, there is only one theoretical position possible. What this means is that there is no theory at all, for, like culture itself, theory only becomes visible when it is juxtaposed with one or more contrastive and alternative theories. Perhaps we would not recognize the Courts’ theory as such, because it is a simple empirical assessment of different kinds of evidence—written and oral—and the adjudication of the varying weight that should be given to such evidence, given the circumstances of its collection. The evidence itself is deployed towards one end only—to determine whether it makes a case for continuing connection to country by a community of Aboriginal people according to a set of traditional laws and customs held to have been extant at the time of sovereignty.

The problem posed by the native title process is not the implicit empiricism of the Courts as such. Empiricism has to be a moment of analysis through which we all must pass at some point or another. The problem is that the native title process refuses to recognise a defining component of anthropology-- the use of ethnographic data in anthropology in support of the testing of theories.

Why is having a theory or constructing a theory important? A theory is not just an aesthetic exercise—making a theory visible is the demonstration of the manner in which one’s intellectual predispositions and assumptions contour one’s location of and perception of “data”. If the task of theory-making is kept out of the adjudication process in, for example, the assessment of a case for native title, then fully half of what the task of anthropology is all about is left out.

Take, for example, the important recent debate between Peter Sutton, Sandra Pannell and Daniel Vachon concerning the salience of individualistic and collective definitions of Aboriginal connection to country, or considerably earlier, the debate between Hiatt and Stanner on the nature of the Aboriginal local group and its territorial configuration. Sackville and Lindgren JJ would have us believe that they are not only peripheral to what is required from anthropologists in support of

native title applications in court; they positively obscure and unnecessarily complicate the process of adjudicating evidence in native title hearings. But for anthropologists to prise these moments of argumentation away from our resultant assessments of fact and evidence would be to relinquish the very perspective that differentiates anthropology from jurisprudence.

What can either of these two observations contribute to promoting the desired synergy between lawyer and anthropologist? Sackville J has not indicated that he understands the nature of anthropological evidence in *Jango*. It is necessary for the lawyer to advise the anthropologist as to how to make his/her evidence address the requirements of the *Native Title Act (1993)* and the *Commonwealth Evidence Act (1995)*. But the anthropologist still has to construe the evidence for the nature and function of Aboriginal social institutions and to adduce such evidence towards interpretations of the cultural world within which those institutions acquire meaning and reality.

Honour Among Nations? Treaties and Agreements with Indigenous People

By Marcia Langton, Maureen Tehan, Lisa Palmer and Kathryn Shain (eds), Melbourne University Press, Melbourne, 2004.
Book reviewed by Stuart Bradfield.

This book represents a detailed and comprehensive contribution to a subject of national and indeed international importance – relationships between Indigenous and non-Indigenous peoples in Australia. In 19 chapters, as well as several commentaries, the book addresses a diverse range of issues which arise from the interaction between Indigenous Nations and settler peoples.

After a detailed introduction from the editors, Part 1 (of 4) gives a historical overview of agreement making and governance. Marcia Langton and Lisa Palmer look at treaties and agreement making as mechanisms used to recognise Indigenous peoples as ‘polities’, or political communities. International perspectives are offered by Bradford Morse and Julie

Evans, while in Australia, Noel Pearson looks at the failure of native title to fulfil the promise seen by many following the Mabo case. Aaron Corn and Neparrna Gumbula then provide fascinating detail on the historical development of one of Australia’s more politically assertive peoples, the Yolngu.

Part 2 looks at issues of recognition and resolution in treaty making in settler states. Long time visitor to Australia, and Canadian Royal Commissioner, Paul Chartrand, describes how the reality and relevance of treaty relationships was central to the findings of the comprehensive Royal Commission on Aboriginal Peoples. Also included are two chapters on the British Columbian treaty process by Ravi de Costa and Maureen Tehan, as well as an analysis of treaty making in Aotearoa/New Zealand by the Chief Justice of the Maori Land Court, Joe Williams.

Part 3 then looks specifically at (and beyond) native title. Graeme Neate points to the possibilities of agreement making under the Native Title Act, while Lisa Strelein looks beyond the limits of the law, identifying positive case studies where Indigenous peoples are using the idea of native title to move negotiations towards ‘self-government’. Other chapters look in detail at the process of statewide negotiations in South Australia, as well as questions of customary marine tenure, and the increasing role of industry in native title agreement making.

As Lisa Palmer suggests in the introduction to this section, part 4 assesses the emerging culture of agreement making in Australia, in the diverse areas of health, race relations, publishing and mining. Ian Anderson praises the development of health framework agreements, while Hannah McGlade and Michelle Grossman suggest that agreements have had fewer successes in areas of racial discrimination and copyright, respectively. Following Ciaran O’Fairchellaigh’s chapter on evaluating the outcomes of native title agreements, the book concludes with a timely contribution on negotiation of the Timor Sea Treaty between Australia and East Timor by Gillian Triggs.

With respect to native title, agreements tend to be lauded by all sides as the preferred mechanism for ordering relationships between Indigenous and non-Indigenous peoples. Yet, Australians still have limited experience of making agreements with Indigenous peoples, and no tradition of treaty making to call upon. The editors and their team are to be applauded for producing a work which not only

adds immeasurably to our knowledge, but instantly becomes the benchmark volume on agreement making in Australia.

[For details and to purchase the e-book, go to <http://www.mup.unimelb.edu.au/ebooks/0-522-85132-0/index.html>

The Agreements Treaties and Negotiated Settlements project database is at <http://www.atns.net.au>]

NATIVE TITLE IN THE NEWS

National

National Native Title Tribunal (NNTT) President Graeme Neate believes the resource sector is becoming increasingly committed to working with native title processes to build relationships with local Indigenous communities. Mr Neate has credited a growing body of expertise and experience that has better equip the industry to work through the native title processes. *Mining Chronicle*, pg 30. N.D-Jul-04.

Mr Robert Faulkner has been appointed as a part-time member of the National Native Title Tribunal. Mr Faulkner has extensive experience in Indigenous affairs and is currently the manager of the Indigenous Co-ordination Centre based in Tamworth, New South Wales. *NNTT Media Release*. 22-Jul-04.

New South Wales

The Federal Court has rejected an appeal to strike out a native title agreement signed by Wiradjuri people over the Lake Cowal gold mine in NSW. Neville Williams, also a Wiradjuri person, claims the wrong Indigenous group has signed the agreement with Barrick Gold. *ABC Online*. 12-Jul-04. The Wiradjuri People claim.

The Wagga Local Aboriginal Land Council has put forward a proposal to the NSW Government saying that The Rock Nature Reserve should be designated as an Aboriginal place. Residents in the area are concerned that this new designation may encourage na-

tive title claims on the popular landmark. At the public meeting which was attended by about 20 people, Dr Colin Killick, the National Parks and Wildlife Service area manager, stated that if the proposal is approved it would only acknowledge the importance of the reserve for Aborigines. *Daily Advertiser*, pg 3. 10-Aug-04.

The Byron Shire Council recently approving the re-zoning of a parcel of land near Tallow Beach which will allow the Arakwal people to establish an Aboriginal cultural centre. The centre will co-ordinate Indigenous tourism activities including a visitor centre/museum, training facilities, an outdoor theatre and office spaces for the Arakwal Corporation, NPWS, Marine Parks Authority and Cape Byron Trust. The Council had originally approved the cultural centre in 1998, but plans were deferred in 2003 to resolve contamination issues as the land had been used as a garbage dump by the Council in the 1970's. The next step for the Arakwal people is to find funding for the project which is estimated at \$2 million. *Northern Star*, pg 5. 11-Aug-04.

Eleven Aboriginal men will face court in Narooma, charged with illegally taking abalone. If convicted, these men may face jail terms. The men have admitted to taking abalone but maintain that they were exercising their traditional rights. The New South Wales Native Title Services (NSWNTS), the representative of native title claimants in NSW, has recently made a submission to the NSW Government, which is currently reviewing its

Indigenous Fishing Strategy. CEO of NSWNTS, Warren Mundine, supports the Indigenous Fishing Strategy but has called for the cultural rights of Indigenous people to be respected. *National Indigenous Times*, pg 4. 18-Aug-04.

Northern Territory

The development of land at Larapinta has been delayed. The Northern Territory Government has granted an extension of time to the Lhere Artepe native title group to sign a developer for the lease. The deadline has been pushed back to 27 August. Lhere Artepe called for expressions of interest in mid July. *Centralian Advocate*, pg 2. 16-Jul-04.

Aboriginal traditional owners in the Kakadu region have expressed concern that they were not consulted in relation to the cancellation of the entry fees to the Kakadu National Park. The Federal Government has announced that no fee will be charged to enter the Park, which is jointly managed by the traditional owners. The government has said that although the Indigenous group received \$750,000 from the fees, they would not be out of pocket by the drop in entry fee. The Northern Land Council, who are representing the traditional owners, said it should have been consulted. *Northern Territory News*, pg 2. 22-Jul-04.

Traditional owners from the Hermannsburg area have called for a production audit to ensure they are receiving the correct amount of royalty payments. Two traditional owners have written to the Central Land Council (CLC) asking for a full and comprehensive audit, including the total amounts of hydrocarbons produced since the start of the field, total revenue, and total payments to the Northern Territory Government and the CLC. The traditional owners have said that the audit must be independent and that they want to be involved in the selection of the auditor. *Alice Springs*, pg 3. 21-Jul-04. Ntaria People.

Negotiations to settle potential land rights or native title claims over Litchfield National Park, Eley National Park and the Daly River Conservation Area have been unsuccessful. Northern Territory Chief Minister Clare Martin has said that these claims will have to be dealt with in the normal way, through the National Native Title Tribunal. *Koori Mail*, pg 38. 11-Aug-04.

Northern Land Council (NLC) chairman, Galarrwuy Yunupingu, has announced he will resign in October after almost 40 years involvement in Indigenous Affairs. His contribution to political debate on matters of social, economic and cultural significance for Aboriginal people is seen as immeasurable. Galarrwuy first joined the Northern Land Council in 1975, became chairman in 1977, and has continued to hold executive positions within the NLC since. *Northern Territory News*, pg 11. 16-Aug-04.

An Indigenous Land Use Agreement (ILUA) in central Australia was recently registered with the National Native Title Tribunal. This agreement will release residential land in Alice Springs, and is seen as a significant agreement. Under the agreement, the Lhere Artepe Aboriginal Corporation (LAAC) surrendered native title to the Northern Territory Government to enable the creation of freehold blocks of land and roads in the Larapinta Valley subdivision. Up to 20 hectares of land will be released under the ILUA, of which half will form a free development lease for the native title holders as part of an economic development enterprise. *National Native Title Tribunal - media release*. 12-Aug-04. DI2004/005: Phase 1 of Larapinta Stage 4.

Queensland

An ILUA is expected to be granted which will allow copper and gold to be mined at Lady Larrissa, about 21km east of Mount Isa. Joe Rogers, who owns the Lady Larissa mining lease, has been in negotiations with the Kalkadoon People since 1997. It is believed

the Lady Larrissa ILUA will be granted before the end of the year. *North West Star (Mt Isa)*, pg 3. 16-Jul-04.

Justice Spender has granted a conditional extension in a native title claim in the Yarrabah region but has warned that the delays were jeopardising the entire claim. The communal native title claim involves four applicants from groups in the Yarrabah region, including the Mandingalbay, Yidinji and Gungandji groups. Ricko Noble, one of the four applicants has refused to agree to the terms of the communal claim. If agreement is not reached while Ricko Noble remains one of the applicants, the claim would be struck out and the whole process started from scratch. *Cairns Post*, pg 9. 22-Jul-04. Combined Mandingalbay Yidinji - Gungandji claim.

Kalpowar Station's traditional owners have expressed concerns that continuing uncertainty over land tenure is resulting in culturally significant sites on their land being damaged or destroyed. Station Manager Michael Ross, a spokesperson for the traditional owners, has repeatedly requested stricter controls on tourists who visit the popular Cape York holiday destination. Cook Shire Mayor Bob Sullivan has stated that the area needs to be managed and looked after better, however, until native title deliberations are complete, the shire is limited in their actions. *Cooktown Local News*, pg 3. 18-Aug-04.

The Environmental Protection Authority has told the Burdekin Shire Council they have 28 days to inform them of their plans to ensure the Groper Creek Caravan Park's sewerage system is up to standard. Cr McLaughlin recently told the Home Hill Chamber of Commerce that the Council was working to resolve the issue. Former mayor John Woods said one of the biggest hold-ups was determining native title over the area. *Home Hill Observer*, pg 3. 26-Aug-04.

South Australia

An ILUA in South Australia has been registered with the NNTT. The agreement will allow mineral exploration to take place and will ensure the protection of Indigenous heritage. The native title claimants, the Antakirinja Land Management Aboriginal Corporation, the SA Chamber of Mines and Energy, the Aboriginal Legal Rights Movement (ALRM) and the South Australian Government all signed the ILUA. The agreement covers a 41,156 sq km area near Coober Pedy. *Gold and Minerals Gazette - Australian Mining Times*, pg 75. N.D-Jul-04. SI2003/007: Antakirinja Area Mining Exploration ILUA.

Victoria

Victorian Attorney-General Rob Hulls recently met with Aboriginal leaders in Victoria's north-west in an attempt to resolve a native title claim over 13,500 sq kms between Bendigo, Mildura and the South Australian border. The six Indigenous groups involved are attempting to settle their claims through a regional agreement rather than through the court system. The Attorney-General has stated that it is preferable to pursue native title matters outside of the courts and said the government was keen to try and facilitate regional agreement in line with the native title claimants aspirations. A possible agreement would cover land use and management issues, including hunting, fishing and gathering rights and cultural heritage rights. *Koori Mail*, pg 18. 11-Aug-04. Dja Dja Wurrung group, Yupagalk group, Wadi Wamba Barapa group, Robinvale native title group, Latji Latji group, and the Wergaia group.

Western Australia

The Kimberley Land Council (KLC) recently signed an agreement with Environs Kimberley and the Australian Conservation Foundation (ACF). The agreement calls for the scrapping of plans for broad scale irrigated cotton growing in the region and states that the region should control its own water re-

sources to ensure sustainable environmental, cultural and social benefits. KLC chairman Tom Birch welcomed the alliance and said many similar values were shared with both Environs Kimberley and the ACF. *Kimberley Echo*, pg 9. 01-Jul-04.

A native title agreement has been signed by the Ngonooru Wadjari People, the Yugunga-Nya People and St Barbara Mines Ltd. Ron Shay of the Yugunga-Nya People has said the agreement shows what co-operation can achieve. Under the agreement, the traditional owners have consented to the use of the land for present as well as future mining exploration and development. The two Indigenous groups will also benefit from health programmes, educational and employment opportunities and economic developments. *Yamatji News (Geraldton)*, pg 5. 14-Jul-04.

The transfer of land back to traditional owners in North Western Australia will be streamlined after an agreement between the Kimberley Land Council and the Western Australian Government. Indigenous Affairs Minister John Kobelke has said there is a large amount of land in the Kimberley region that is waiting to be returned to the Aboriginal people. John Kobelke also said the memorandum of understanding between the land council and the State Government will streamline the often lengthy delays Indigenous groups face in relation to receiving back their land from the government. *ABC Online*. 15-Jul-04.

Shire councils in the south-west region of Western Australia have been asked to participate in the Central Wheatbelt ILUA. The agreement aims to resolve issues of native title and Aboriginal heritage through a process of negotiation and agreement. Signing would provide local councils with a procedure to ensure compliance with the Act and set time frames for the assessment of claims by the South West Aboriginal Land and Sea Council. *Narrogin Observer*, pg 3. 21-Jul-04.

Jacobs Sverdrup Australia and the South West Aboriginal Land and Sea Council (SWALSC) have won a Prime Minister's Awards for Excellence in Community Business Partnership. The WA Medium Business Award recognises the successful development of an economic development strategy and set of 'nation building' plans for the Noongar people of South West Australia. The partnership was developed in consultation with the Office of Aboriginal Economic Development and representatives of the Noongar people. *Community Business Partnership online*. 23-Jul-04.

Goldfields Land and Sea Council director Brian Wyatt, has stated Australia needs a new approach to land justice. Mr Wyatt has returned from a six week Churchill Fellowship study tour of Africa and North America. He said that countries such as Canada and South Africa have simpler, less litigious systems in place to achieve land justice. Brian Wyatt identifies the involvement of the Federal Court as one of the reasons why the Australian system is costly and time consuming. *Kalgoorlie Miner*, pg 5. 02-Aug-04.

An in-principle agreement has been signed between the Kimberley Land Council, Argyle Diamond Mines (ADM) and the traditional owners of the area. The agreement comes after the traditional owners were approached by ADM during 2001 to renew their relationship and to work towards a formal land use agreement. The participation agreement provides consent for the mine's current and future operations, the protection of Aboriginal sites, the availability of cross-cultural training and opportunities for land management and business development. *Broome advertiser*, pg 3. 05-Aug-04.

Kalgoorlie MLA Matt Birney has been blocked by Native Title Minister and Deputy Premier, Eric Ripper, from viewing all government correspondence in relation to the long-running Wongatha claim. Mr Birney has stated he may appeal to senior freedom

of information officials. *Kalgoorlie Miner*, pg 8. 14-Aug-04.

Corrie Bodney, whose native title claim over 10,000sq km of Western Australia, was dismissed on a technicality by the Federal Court last year has won his appeal. The Full Federal Court has upheld Mr Bodney's appeal, ruling that the Mr Bodney should have been given the opportunity to amend his application to conform with native title law. The claim area is about 10,000sq km of land stretching north to south from Guilderton to Warnbro and west to east from Rottne to Northam. *West Australian*, pg 42. 25-Aug-04.

The Wanjina/Wunggurr Wilinggin and Ngarinyin claims in Western Australia were finalised at a Federal Court hearing at Mt Barnett recently. The hearing will end nine years of dispute over the land. A draft decision was handed down in December and no major changes are expected. The Aboriginal claimants will receive non-exclusive rights over most of the claim area, and exclusive possession over some unallocated crown land and leases or reserves already held for the benefit of Aboriginal people. The first combined claim was originally lodged with the NNTT in 1995, with the second claim filed in the Federal Court in 1999. *West Australian*, pg 16. 27-Aug-04. Wanjina-Wunggurr Wilinggin Native Title Determination No 1.

The WA Government has received industry support for an amended package of changes to the current Mining Act. The revised Bill will help clear the native title claim backlog. Currently there are more than 12,000 exploration and mining title applications pending, and around 5,200 applications for mining leases. Under the proposed changes, explorers not immediately seeking to start mining operations could convert mining lease applications (MLAs) into extended exploration licenses. *West Australian*, pg 43. 27-Aug-04.

A1 Mining has recently made a landmark deal with the Wongatha Indigenous claim group. The deal clears the way for the granting of a mining lease, which will assist the company's Brightstar project in Western Australia. The agreement will provide for the Wongatha people to consent to the granting of all current and future tenement applications by A1 or any of its joint ventures, create employment and training opportunities and protect Aboriginal sites. *Gold and Minerals Gazette*, pg 16. N.D Aug 04.

Construction of a \$630 million liquid ammonia plant on the Burrup Peninsula near Karatha in Western Australia remains on track for the third quarter of next year. Construction of the site began in April 2003, and when fully operational will be one of the world's largest ammonia production facilities. During the production phase, it is estimated that approximately 600 jobs will be created on site with many others created throughout Western Australia. The speed at which the project advanced was fast, given the extremely detailed and complex negotiations associated with native title and heritage issues, environmental and other statutory obligations. *Gold and Minerals Gazette*, pg 70. N.D-Aug-04.

Iva Hayward-Jackson, a land and cultural worker for the Nyungah Circle of Elders has stated that the Subiaco Council has an excellent relationship with the Subiaco traditional owners. The Aboriginal flag is flown in front of council office, Aboriginal history and artwork are featured prominently in the Subiaco Museum, and historical works have been developed in consultation with the Nyungah Circle of Elders. Hayward-Jackson points to these examples to show how local government has gone direct to the people, rather than being filtered through state government or federally funded reconciliation groups. *Subiaco Post*, pg 15. 28-Aug-04.

APPLICATIONS LODGED

The National Native Title Tribunal posts summaries of applications that are lodged with them, on their website, <www.nntt.gov.au>. The following lodgements are listed for July/August 2004.

Claimant Applications

Date Filed	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.
01/07/04	Budjiti People	QLD	QC04/7	Q112/04
09/08/04	Wakaman People #2	QLD	QC04/9	Q158/04

Non-Claimant Applications

Date Filed	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.
08/07/04	Anthony Bernard Kelly MLC Minister for Lands for the State of New South Wales as the State Minister under the Native Title Act 1993 (Cth).	NSW	NN04/5	N1073/04
06/08/04	Cabonne Council #2	NSW	NN04/6	N1204/04
23/08/04	Darkinjung Local Aboriginal Land Council	NSW	NN04/7	N1249/04

REGISTRATION TEST DECISIONS

The National Native Title Tribunal posts summaries of registration test decisions at <www.nntt.gov.au>. The following decisions are listed for July/August. 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
05/07/04	Wangan & Jagalingou Peoples	QLD	QC04/6	Q85/04	Accepted
09/07/04	Miriuwung Gagerrong # 4	WA	WC04/4	W124/04	Accepted
09/07/04	Adnyamathanha # 2	SA	SC95/1	SG6002/98	Accepted
26/07/04	Gangalidda and Garawa Peoples	QLD	QC04/5-1	Q84/04	Accepted
28/07/04	Gumbaynggirr People	NSW	NC98/15	NG6104/98	Accepted

10/08/04	Bardi and Jawi People – Brue Reef	WA	WC04/1	W6001/04	Not accepted
11/08/04	Molly Hill	NT	DC03/5	D6005/03	Accepted
13/08/04	Ngurrara	WA	WC96/32- 2	WG6077/98	Accepted

APPLICATIONS CURRENTLY IN NOTIFICATION

Closing Date	Application Number	Application Name
01/09/04	WC04/3	The Ngaanyatjarra Lands Native Title Claim
29/09/04	NN04/1	Hastings Council
29/09/04	QC03/16	Warraberalgal, Porumalgal and Iama Peoples
29/09/04	QC02/9	Mapoon People
29/09/04	QC02/8	Angkamuthi People
29/09/04	QC02/10	Weipa Peninsula People
29/09/04	QC02/11	Thanakwithi People #2
13/10/04	NN04/2	Anthony Bernard Kelly, MLC, Minister assisting the Minister for Natural Resources (Lands) for the State of New South Wales as the State Minister under the NTAct 1993 (Cth)
13/10/04	DC04/1	Town of Newcastle Waters
27/10/04	NN04/3	Anthony Bernard Kelly, MLC, Minister assisting the Minister for Natural Resources (Lands) for the State of New South Wales as the State Minister under the NTAct 1993 (Cth)

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>.

RECENT ADDITIONS TO THE AIATSIS COLLECTION CATALOGUES

The following selected items relating to native title have just become available on Mura, the AIATSIS on-line catalogue.

Audiovisual Materials:

Recorded sound collections:

DOUGLAS_W01

The recorded tape collection of Wilfred Douglas, recorded in 1965 from Perth to Kalgoorlie, contains early Nyungar language elicitation, songs and stories. Movements of Indigenous families within south-west Western Australia are also described.

HERCUS_L10

Discussions and oral history from Peake and Denison Ranges, SA. 1967-1968.

Photographic collections:

O'SULLIVAN.J3.BW

Stone arrangement at Santa Teresa Mission. 1981.

Library Materials:

Please be advised that the *Dawn* and *New Dawn Magazines*, which record Aboriginal life

in New South Wales from 1952 to 1975, are now available electronically on Mura at the following web address:
http://www.aiatsis.gov.au/lbry/dig_prgm/dawn/dawn_hm.htm

Native Title – Recent news items:

Agreement signed over Talling Peak. Positive agreement reached on Mount Gibson Iron Ore Mine between Yamatji Land and Sea Council, Wajarri Elders Council and Mount Gibson Mining; Geraldton Port enhancement; land and heritage protection; Wajarri employment opportunities. In *Yamaji News*, (16 June 2004), p.4.

Native Title – Archaeology

Hiscock, Peter (Peter Dixon)
Slippery and Billy: intention, selection and equifinality in lithic artefacts. In *Cambridge Archaeological Journal* Vol.14, no.1 (April 2004), p.71-77.

Jonas, William.. Indigenous priorities and the protection of rock imagery. In Ward, Graeme and Lucina Ward, eds. *Management of Rock Art Imagery*. Melbourne : Australian Rock Art Research Association, Occasional AURA Publication No.9, 1995, p.1-3.

Sefton, Caryl
Sandstone overhangs and subsidence: monitoring rock art for effects of mining activities. In Thorn, Andrew and Jacques Brunet, eds. *Preservation of Rock Art*. Melbourne : Australian Rock Art Research Association, Occasional AURA Publication No.9, 1996, p.55-59.

Villiers, Linda E.
Heritage issues in WA: making sites permanent with DIA. In *Australian Association of Consulting Archaeologists Newsletter* no.91 (Dec.2002), p.9-12.

Native Title - Mediation

Bauman, Toni and Rhian Williams.
The business of process : research issues in managing indigenous decision making and disputes in land (Research discussion paper / Australian Institute of Aboriginal and Torres Strait Islander Studies, ISSN1323-9422 ; no. 13) 2004.

Native Title – Self-determination

Finlayson, Julie
Success in Aboriginal communities, a pilot study : a report prepared for the Australian Collaboration by the Australian Institute of Aboriginal and Torres Strait Islander Studies. Canberra : AIATSIS, 2004.

Land rights – Case studies and commentary

Strelein, Lisa and Stuart Bradfield
The single Noongar claim: negotiating native title in the South West. In *Indigenous Law Bulletin*. Vol. 6, no. 2 (May 2004), p.11-13.

Ritter, David
The judgement of the world: the Yorta Yorta case and the tide of history. In *Australian Historical Studies* Vol. 34, no. 123 (Apr 2004), p. 106-121.

Behrendt, Jason
Casenotes: Lardil Peoples v State of Queensland [2004] FCA 298. In *Indigenous Law Bulletin*. Vol. 6, no. 2 (May 2004), p.14-17

Weiner, James F.
Australian Anthropology and Hindmarsh Island Bridge. In *Anthropology Today* Vol.20, no.3 (June 2004), p.24

Indexes, directories and guides

Australian Film Institute
More than legends : a unique collection of films and videos about Indigenous Australia from the Australian Film Institute collection. [South Melbourne, Vic. : Australian Film Institute, 1996]

Dawn : a magazine for the Aboriginal people of N.S.W. [electronic resource]
Produced by AIATSIS Library Digitisation Program. 57 CD-ROMs.

Respect, acknowledge, listen : practical protocols for working with the Indigenous communities of Western Sydney.
Liverpool, N.S.W. : Community Cultural Development N.S.W., 2003
Queensland. Dept. of Natural Resources and Mines

Guide to compiling a connection report for native title claims in Queensland. [Brisbane] : Native Title and Indigenous Land Services, 2003.

Indigenous rights: Overseas

Secretariat of the Convention on Biological Diversity : Montreal, Quebec. [200-]
Traditional knowledge and the Convention on Biological Diversity

History – exploration and accounts

Mulvaney, D. J. (Derek John).

Paddy Cabill of Oenpelli. Canberra : Aboriginal Studies Press, 2004.

Sassoon, Joanna
The politics of pictures: a cultural history of the Western Australian Government print photographic collection. In *Australian Historical Studies* Vol. 34, no.123 (Apr 2004), p.16-36.

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National Native Title Tribunal (Australia). Research Unit
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NATIVE TITLE RESEARCH UNIT PUBLICATIONS

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>; or are available, at no cost, from the NTRU. Receive copies through our electronic service, email ntru@aiatsis.gov.au, or phone 02 6246 1161 to join our mailing list.

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- 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>, 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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For previous editions of this Newsletter, click on the native title research unit link at: <http://www.aiatsis.gov.au/rsrch/ntru/ntru_newlet.htm>

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