

# Native Title Newsletter

July/August, No. 4/2007

## WHAT'S NEW

The NTRU is calling for submissions to its *Land, Rights, Laws: Issues of Native Title* peer reviewed issues paper series.

For more information go to:  
[http://ntru.aiatsis.gov.au/publications/issue\\_papers.html](http://ntru.aiatsis.gov.au/publications/issue_papers.html)

## CONTENTS

Getting Outcomes Sooner – a workshop on native title connection .....	2
Case Note.....	3
NTRU News.....	5
What's New.....	5
Native title in the News .....	9
Applications Lodged with the Federal Court .....	26
Registration Test Decisions .....	26
Applications Currently in Notification .....	27
ILUAs.....	27
Determinations.....	28
Items in the AIATSIS Catalogue .....	28



# Getting Outcomes Sooner – a workshop on native title connection

By Toni Bauman, Visiting Research Fellow, NTRU, AIATSIS

From 24 to 26 July 2007, the Native Title Research Unit and the National Native Title Tribunal (NNTT) co-convened a workshop in the Barossa Valley in South Australia to discuss ways of getting better outcomes from native title connection processes.

John Catlin, NNTT Member, noted at the opening session of the workshop that, based on the current rate of progress, many native title claims face a 20-30 year wait before they are settled. Furthermore, the capacity to settle many of those claims is diminishing as the generation who lodged the claims passes on.

The *Getting Outcomes Sooner* workshop focussed on issues in processing connection with the aim of identifying best practice approaches and exploring options for reaching agreement faster and more efficiently without compromising common law standards. The workshop aimed to identify how to improve the current system of connection research and assessment with more inventive and constructive models for settling matters of native title proof within mediation.

A balance of research, legal and government policy skills and experience was sought by organisers in determining attendance at the workshop which was attended by around 40 participants. Participants included two representatives from each State or Territory, representatives of the Federal Court, the Attorney-General's native title branch, Native Title Representative Bodies (NTRBs) and Native Title Service Providers (NTSPs) from across the country, and independent barristers and consultant researchers. Workshop participants were asked to attend as technically-informed experts with an open mind, rather than as spokespersons for particular institutional viewpoints.

Participants were allocated to one of four groups in which discussion was facilitated by NNTT members,



TOP (Left to right): Tony McAvoy, Barrister, Toni Bauman, Visiting Research Fellow, AIATSIS, Valerie Cooms, Chief Executive Officer of Queensland South Native Title Services, Louise Anderson, Registrar, Federal Court of Australia.

BOTTOM: John Catlin, National Native Title Tribunal Member, facilitating one of the small workshop group discussions.



John Catlin, Gaye Sculthorpe, Dan O'Dea and Graham Fletcher. Groups reported back to the plenary at the end of each session in power point presentations, the notes of which have been circulated to participants.

Feedback showed that a number of participants found considerable value in networking, meeting face to face with State or Territory representatives in a relaxed forum and learning from the processes which are employed in other State or Territory jurisdictions. Some have already modified their work practices and others capitalised on the opportunities for dialogue with peers. Others were disappointed at the seeming lack of capacity of participants to be innovative and look to ways of doing things differently.

A recurring theme that emerged during the workshop was the need for connection processes to be scoped with all parties at the commencement of mediation processes and managed by an independent third party NNTT member. Another recurring theme was the need for building relationships between those involved in connection processes whilst acknowledging power differentials between State and Territory representatives and NTRBs/NTSPs representing the applicants.

A report on the workshop is currently being prepared and it is hoped that the States and NTRBs/NTSPs will continue to meet in their separate jurisdictions to improve practice.

Notes on the power point presentations that were made in plenary sessions at the workshop are available on request from [toni.bauman@aiatsis.gov.au](mailto:toni.bauman@aiatsis.gov.au).

## Case Note

Defensive assertions of native title where there has been no legal authorisation: *Kokatha People v State of South Australia* [2007] FCA 1057

By Tran Tran, Research Assistant, NTRU

On 16 July 2007 Justice Finn from the Federal Court handed down *Kokatha People v State of South Australia*.<sup>1</sup>

<sup>1</sup> *Kokatha People v State of South Australia* [2007] FCA 1057 (*Kokatha*).

The *Kokatha* decision involved a question of statutory construction: whether the court has the jurisdiction under the NTA to make a determination of native title in favour of a person or group of persons that had not made a native title determination application under s 61 but were a respondent to such an application brought on behalf of another claimant group to which the respondent does not belong.<sup>2</sup> This judgment has implications for the resolution of overlapping claims where native title has been asserted defensively in relation to s 61 proceedings. It should be noted that this relates to the issue of whether native title rights and interests can be decided for a group which is not an applicant rather than whether or not that question is negative or positive.

Both the, Aboriginal Legal Rights Movement (the representative body) and the Commonwealth argued that the court can make a determination of native title recognising the rights and interests of a group regardless of whether or not the group has made an application for the determination. Based on this view, the purpose of s 225 is to determine authoritatively whether anyone has native title rights and interests in relation to an area which, as a consequence, requires the Court to determine all claims of native title rights and interests regardless of whether all of the claimants are a party to an s 61 application. Alternatively, South Australia contended that native title determinations can only be made in accordance with the proper procedures under the NTA, namely sections 10, 13, 61 and 225. This means that a group that has not made an application cannot have a judgment of native title rights and interests made. The State argued that despite the inconvenient consequences of this conception, authorisation procedures remain central to the NTA.

South Australia's argument was accepted by the Court. In reaching his decision, Justice Finn referred to the legislative scheme surrounding authorisation. He noted that it was 'difficult to overstate the centrality of the requirement of 'authorisation' in the scheme laid down by the Act [NTA] for the making of a native title application'.<sup>3</sup> Finn J reiterated that there can only be one determination in relation to an area,<sup>4</sup> however this

<sup>2</sup> *Kokatha*, [2].

<sup>3</sup> *Kokatha*, [17].

<sup>4</sup> *Native Title Act 1993* (Cth), s 13(1), 61A(1) and 68.

determination must not always be made where there is an application.<sup>5</sup> This is because a determination of native title is binding on the whole world, or a judgment *in rem*.<sup>6</sup> It requires a determination on an application that is an 'approved determination of native title' which must be properly authorised.<sup>7</sup> Finn J rejected ALRM's reliance on the decision of Justices' Beaumont and von Doussa in *Western Australia v Ward* where they stated that:

Section 225 expressly requires the Court to determine the persons or each group of persons holding the common law rights comprising native title, and the nature and extent of those rights and interests. Section 225 does not limit the jurisdiction of the Court solely to defining the rights and interests of the named persons who initiate the claim for a determination of native title.<sup>8</sup>

Finn J noted that this was later qualified by Mansfield J in *Kokatha Native Title Claim v South Australia* where he observed:

The prescriptive nature of the Act (NTA) for the making of an application for the determination of native title under s 61 with the procedural requirements of s 62 and, since the...1998 amendments...the authorisation requirement under s 251B are clear. They provide the only vehicle for the positive determination of native title rights and interests. They require the assurance that the whole of the claim group has authorised the bringing of the claim through the authorised claimants.<sup>9</sup>

Finn J declined to follow Beaumont and von Doussa JJ noting that the requirement of authorisation serves a variety of purposes, including ensuring that the claim

group has approved the 'bringing' of the claim.<sup>10</sup> Finn J found that s 67, 'while requiring that overlapping claims must to the extent of the overlap be dealt with in the same proceedings, does not require that each claimant group be formally constituted an applicant in the proceedings'.<sup>11</sup> That is, where a determination that a respondent has native title rights and interests (as in the case of *Ward*) is made, the order is to ensure that overlaps are dealt with in the same proceedings rather than create a positive right held by respondents to have their rights and interests determined. He also noted that the 'Legislature would leave a non-applicant respondent unconstrained in advancing a claim for a determination of native title'.<sup>12</sup> Finn J also referred to the recent decision of *Moses v State of Western Australia* where Justices' Moore, North and Mansfield noted that:

A determination of native title must be made in accordance with the provisions of the NTA, including its requirements regarding proof of the composition of the claim group and proper authorisation of the named applicants. In circumstances where the Kariyarra people participated as respondents only and made no attempt to satisfy the learned primary judge that all of the requirements of the NTA had been met in respect of their overlap claim, it would not have been appropriate to nevertheless make a determination of native title in their favour.<sup>13</sup>

In *Moses* the Court noted that the obverse determination that native title does not exist can be made, where there is competing evidence against the respondents without needing to satisfy the authorisation requirements under s 251B.

Finn J decided that a determination of native title cannot be made in favour of a non applicant:

What a successful defensive use of such native title rights and interests can possibly secure is the exercise by the Court not to make either a

---

<sup>5</sup> *Harrington Smith v State of Western Australia (No.9)* [2007] FCA 31.

<sup>6</sup> *The Wik peoples v The state of Queensland* (1994) 49 FCR 1; *Western Australia v Ward* (FC) [2000] FCA 191, 368-369; *Gumana v Northern Territory* (2005) 141 FCR 457, [127].

<sup>7</sup> *Kokatha*, [47].

<sup>8</sup> *Western Australia v Ward* (FC) [2000] FCA 191, [192], [193].

<sup>9</sup> *Kokatha People v State of South Australia* [2005] FCA 836, [22]-[23].

---

<sup>10</sup> He referred to *Jango v Northern Territory of Australia* [2007] FCAFC 101, [76] where it was noted that authorisation provides assurance that the whole claim group has authorized the claim.

<sup>11</sup> *Kokatha*, [44].

<sup>12</sup> *Kokatha*, [48].

<sup>13</sup> *Moses v State of Western Australia* [2007] FCAFC 78, [18].

positive exclusive determination of native title in favour of an applicant or a negative determination that native title does not exist in the claim area. What it cannot secure is a s 225 determination in the non-applicant's favour.<sup>14</sup>

## NTRU News

Native Title Research Unit [National Meeting of Prescribed Bodies Corporate, Canberra 11-13 April 2007](#) Research Report 3/2007, AIATSIS

This workshop was held on 11-13 April 2007 in Canberra, and was attended by 23 people representing PBCs from Western Australia, Queensland, Victoria, New South Wales, and the Northern Territory. The meeting provided the PBCs with a much needed networking opportunity, and time to reflect on their particular challenges, aspirations and achievements. Various federal government departments were invited to present on the recent Commonwealth PBC reforms, and give advice about relevant funding and training opportunities for PBCs. This report provides a record of the meeting, and also aims to be of practical assistance to PBCs, particularly those who were unable to attend the meeting. Since the National PBC Meeting, the Department of Family and Community Services and Indigenous Affairs (FaCSIA) has released draft guidelines for supporting PBCs, some of the detail of which is also incorporated into this document. Further practical information for PBCs is also available in the [PBC toolkit](#) which has been developed by the NTRU.

Native Title Research Unit [Native Title Representative Bodies and Prescribed Bodies Corporate: native title in a post determination environment](#) Research Report 2/2007, AIATSIS

This workshop was held on 5-6 December 2006 in Canberra, and was attended by 25 staff from Native Title Representative Bodies who have been or will be involved in the design and establishment of PBCs. Participants also included government representatives from the Department of Families, Community Services and

Indigenous Affairs and Attorney General's Department who gave presentations on the proposed changes to PBCs as a part of the Australian Government's broader native title reforms. A report has been prepared based on the major issues that arose during the workshop. In particular, the report focuses on measures to improve the effectiveness of PBCs and coincides with the Government's recognition of the need for resources and support for PBCs to adequately carry out their functions.

## What's New

### Reforms and Reviews

[Negotiation Or Confrontation: It's Canada's Choice : Final Report of the Standing Senate Committee on Aboriginal Peoples Special Study on the Federal Specific Claims Process](#)

In its study of the Specific Claims policy and process, this Committee found that the present system cannot resolve Specific Claims within a reasonable length of time. Lack of resources for, and contradictions within, the present system are producing results contrary to the goal of the federal government's Specific Claims policy which is to resolve Specific Claims.

[Inquiry into the Northern Territory National Emergency Response Bill 2007 & Related Bills](#)

[Information about the inquiry](#)

Information about the key Bills

- [Northern Territory National Emergency Response Bill 2007](#)
- [Social Security and Other Legislation Amendment \(Welfare Payment Reform\) Bill 2007](#)
- [Families, Community Services and Indigenous Affairs and Other Legislation Amendment \(Northern Territory National Emergency Response and Other Measures\) Bill 2007](#)
- [Appropriation \(Northern Territory National Emergency Response\) Bill \(No. 1\)](#)

<sup>14</sup> Kokatha, [50].

- [Appropriation \(Northern Territory National Emergency Response\) Bill \(No. 2\)](#)

## Recent Cases

### Australia

#### *King v Northern Territory of Australia* [\[2006\] FCA 944](#)

This case involves an application for a determination of native title where current pastoral leases in claim area are currently used as commercial cattle stations. The case considers the right to live and to camp and for that purpose, erect shelters and other structures and whether such a right includes the right to build permanent structures and remain permanently on land. The Court considered whether such rights were inconsistent with rights of pastoral lease holders and accordingly distinguish the Full Court's decision in *Northern Territory of Australia v Alyawarr, Kaytetye, Warumungu, Wakaya Native Title Claim Group* (2005) 145 FCR 442. The case also considered extinguishment where land in claim area is proclaimed as a garbage reserve and later approved as garbage depot and whether this was inconsistent with claimed native title rights and interests.

#### *Griffiths & Anor (On Behalf Of The Ngaliwurra And Nungali) v Minister for Lands, Planning & Environment & Anor* [\[2007\] HCATrans 320](#)

Special leave was granted to join a matter concerning the compulsory acquisition of land.

#### *Walker on behalf of The Noonukul of Minjerrabah v State of Queensland* [\[2007\] FCA 967](#)

This case involved a strike-out application under section 84C of the *Native Title Act 1993* (Cth) based on non-compliance with section 61 requiring the identification of claim group, authorisation and description of claim area.

#### *Jango v Northern Territory of Australia* [\[2007\] FCAFC 101](#)

This case involves a native title compensation claim. It considered the nature of native title rights and interests extinguished criteria for the identification of native title

holders and whether the evidence presented was sufficient to support the existence of traditional laws and customs. The court focused on whether the trial judge ought to have determined pre-existing native title on other bases and whether he misunderstood the pleaded case. The court concluded that there was no error by the trial judge and dismissed the appeal. In reaching the decision the court considered whether registration of title under the *Real Property Act 1886* (SA) had validly extinguished native title, the effect of indefeasibility provisions and the validation provisions of the *Validation (Native Title) Act 1994* (NT).

#### *Parker on behalf of The Martu Idja Banyjima People v State of Western Australia* [\[2007\] FCA 1027](#)

This case involved an objection to a Future Act. The Court considered whether the Tribunal considered the nature of the activity that would constitute an Aboriginal site under s 237(b) of the *Native Title Act 1993* (Cth).

#### *Brown (on behalf of the Ngarla People) v State of Western Australia* [\[2007\] FCA 1025](#)

Consent determination of native title made pursuant to s 87 or in the alternative s 87A of the *Native Title Act 1993* (Cth). The court was satisfied that the statutory preconditions of s 87A and s 87 were met.

#### *Kokatha People v State of South Australia* [\[2007\] FCA 1057](#)

This case involved the issue of whether a respondent to an application for a native title determination can seek a determination of native title in his favour under s 225 of the *Native Title Act 1993* (Cth). The court considered whether it had jurisdiction to make a positive determination in the respondent's favour and whether the respondent can argue native title defensively. It concluded that a respondent could not seek a determination under s 225 without following the procedures for authorisation under the NTA.

#### *Gamogab v Akiba* [\[2007\] FCAFC 74](#)

This case involved the issue of whether a national of Papua New Guinea could be joined as a respondent. It focused on the nature and extent of the Court's discretion to do so where interests may be affected by a native title determination.

*Webb v State of Western Australia* [\[2007\] FCA 1342](#)

This case involved a native title determination application lodged by SWALSC over the southwest corner of Western Australia and follows the low water mark covering an area from Dunsborough to Capel. The application was registered in October 2006 and considers the new s 94C enacted under the *Native Title Amendment Act 2007*. The Native Title Registrar is responsible for notification under s 66 C of the NTA. The Court considered the relationship between s 94 C and s 66C. It noted that the purpose of s 94 C is to 'provide for summary dismissal of native title determination applications that have been filed to secure procedural rights with respect to future acts covered by the right to negotiate provisions...the mechanism of summary dismissal enliven when, broadly speaking the procedural rights are effectively exhausted and the native title determination application is not being pursued to a mediated or litigated determination'. The report provided by the native title registrar is a 'statutory means for drawing the attention of the Court to applications which may meet the conditions of dismissal under s 94C'. The Court is not bound by the report and dismissal under s 94 is not considered unless there is failure to comply with directions under s 94C(1)(e)(i) of there has been a failure to take steps to resolve the claim. Justice French found that the area of the claim was much larger than areas covered by future act notices and the application was a part of regional work program. Accordingly he found that there was no occasion for consideration of mandatory dismissal provisions.

*Gudjala People 2 v Native Title Registrar* [\[2007\] FCA 1167](#)

This case involved an application for review of a decision by the Native Title Registrar not to register an application. The Court considered the applications argument that they were (1) misled by the Registrar who had accepted a previous application on similar ground but based in a different claim area (2) that the applicant was denied procedural fairness in the Delegates consideration of the statutory provisions (3) that an error of law had been made and (4) that the material that had been tendered did not justify failing the registration test. In reaching its decision the Dowsett J said that the Registrar was bound by their statutory duty rather than a

previous decision. Also even though there may be an error in decision making this may not necessarily deny the applicant procedural fairness. Dowsett J noted that the role of the Registrar is administrative and a failure to refer to a salient fact is not within this role. His Honour also considered the principles of *Yorta Yorta* and considered the reasons of the registrar, identification of the claim group. He found that even though membership of the claim group was asserted there was no evidence of the traditional laws and customs upon which membership was to have been based. His Honour did not encourage this approach but found that it was sufficient that the group was adequately identified by reference to apical ancestors. The Court considered the factual basis for claimed Native Title and found that the overlaps in the claim area were not adequately explained and that the application fails to explain how, by reference to traditional law and customs presently acknowledged and observed, the claim group is limited to descendants of the identified apical ancestors. Dowsett J also noted that no basis is shown for inferring that there was, at and prior to 1850-1860, a society which had a system of laws and customs from which relevant existing laws and customs were derived and traditionally passed on to the existing claim group. His Honour ultimately found that the claim should not be accepted for registration.

*Van Hemmen on behalf of the Kabi Kabi People #3 v State of Queensland* [\[2007\] FCA 1185](#)

This case involved the review of a decision by the Native Title Registrar to not accept the application of the Kabi Kabi #3 applicants. The Kabi Kabi #2 applicants, the Gurang Land Council and Queensland South Native Title Services supported the registrar's decision that the Kabi Kabi #3 applicants were not properly authorised and claimed that Kabi Kabi #3 should be dismissed pursuant to s 84C. The Court accepted this argument noting that the claim overlapped with another claim and that eleven of the twelve named apical ancestors were named in both the Kabi Kabi #2 and #3 claims. It also considered whether a majority vote is a method of decision making in accordance with traditional laws and customs of the Kabi Kabi people and whether all relevant Kabi Kabi people were consulted.

*P.C (name withheld for cultural reasons) on behalf of the Njamal People v State of Western Australia* [\[2007\] FCA 1054](#)

An application to amend the claim group description to reflect the community and replace persons under s 66B of the NTA. The removed applicant is now challenging the Court's orders arguing that the decision to remove him was reached during a meeting which was 'flawed'.

Bennet J noted that there is no precise process or cultural precedent under the traditional laws and customs of the Njamal people that must be followed for decisions of the kind contemplated by s 66B of the Act or otherwise for authorising claim group members to represent the group as applicant. Decisions as to the authorisation or removal of applicants are not part of Njamal traditional law and culture. Instead, the Njamal people have agreed to and adopted a process of making decisions (s 251B(b) of the Act). Pursuant to that process, decisions are made by resolution or consensus at community meetings organised by the Pilbara Native Title Services. He said that it was not for the Court to consider merits of the claim group's decision.

*Kerinauia v Tiwi Land Council & Anor* [\[2007\] NTSC 40](#)

Applicant sought an interlocutory injunction to stop the Tiwi Land Council from granting a lease over the township of Nguui. The applicant argued that there was inadequate consultation, agreement and approval processes but this was rejected and the application was denied.

## International

*Ka'a'Gee Tu First Nation v. Canada (Attorney General)* [2007 FC 763](#)

This case involved an application for judicial review challenging a decision to approve a recommendation of a project involving oil and gas development in the Northwest Territories. The project, known as the Extension Project, proposed by Paramount Resources Ltd. (Paramount) is located in the Cameron Hills, over which the Ka'a'Gee Tu First Nation (KTFN) claims Aboriginal rights and treaty rights. The KTFN argued that the project negatively impacts on their established treaty rights and their asserted Aboriginal rights and

consequently argued that the Crown had a duty to consult and accommodate them before approving the project. The KTFN claimed that the Crown failed to meet its duty to consult and accommodate. The Court ordered that 'the parties are to engage in a process of meaningful consultation with the view of taking into account the concerns of the KTFN and if necessary accommodate those concerns. The process is to be conducted with the aim of reconciliation in a manner that is consistent with the honour of the Crown and the principles articulated by the Supreme Court of Canada in *Haida* and *Taku*.'

*Ka'a'Gee Tu First Nation v. Canada (Indian Affairs and Northern Development)* [2007 FC 764](#)

The case involved a judicial review of the decision of the Mackenzie Valley Land and Water Board (the Land and Water Board) to issue an amended land use permit MV2002A0046 (the LUP) to Paramount Resources Ltd. (Paramount), pursuant to its powers under the *Mackenzie Valley Resource Management Act* (the Act) and associated regulations. It was found that the Crown failed to meet its duty to consult and to take into account the concerns of the Aboriginal people before the Extension Project was approved. As a result, the requirements of Part 5 of the Act had not been complied with. Accordingly pursuant to section 62 of the Act, the amended land use permit MV2002A0046 should not have been issued by the Land and Water Board and was set aside.

## Legislation

[Native Title \(Federal Court\) Amendment Regulations 2007 \(No. 1\)](#)

Number: SLI 2007 No. 250

These Regulations amend the *Native Title (Federal Court) Regulations 1998* to update the forms to be used for making applications for the Federal Court for a determination of native title or compensation.

These Regulations commence on 1 September 2007.

[Regulations \(Legislative Instrument\)](#)  
[Explanatory Statement](#)

[Native Title Act 1993](#)



Act Compilation (current) - C2007C00498; Date  
Published: 31/07/2007 ; Start Date: 21/07/2007;  
Incorporating Amendments to: Act No. 125 of 2007;  
Administering Department: AG, FaCSIA

## Reports

[Social dimensions of mining in Australia – understanding the minerals industry as a social landscape](#) Fiona Solomon, Evie Katz and Roy Lovel, CSIRO Minerals

This report seeks to map the social landscape of the minerals industry and help inform efforts towards a socially sustainable future. The social dimensions of the minerals industry – how it deals with people, values, development, policy, regulation and a range of associated issues – are becoming increasingly critical to business success. Company public reports and conference papers suggest that companies' engagement with critical social issues has increased over the past five years.

[Nkuzi Development Association. No policy for change](#)

This paper discusses whether or not the land reform policies adopted by the South African government since 1994 are adequate to bring about a fundamental change in property rights. The paper starts by looking at what would constitute a fundamental change in property rights and goes onto to assess the land reform policies in terms of their potential to bring change and the actual experiences of implementation. The paper concludes with some thoughts on why there is no programme to bring fundamental change and suggestions for what needs to be done.

[Story Place - Information on Traditional Connections to Sea](#) Great Barrier Reef Marine Park Authority.

Story Place is a reference database that holds resources about Traditional Owner groups adjacent to the Great Barrier Reef in Australia. It holds hundreds of references relating to Indigenous history and co-operative management practices within the Great Barrier Reef region.

[Rights Reform: Separating fact from fiction: An assessment of the proposed amendments to the Aboriginal Land Rights \(Northern Territory\) Act 1976](#) Briefing paper for Oxfam Australia prepared by Professor Jon Altman

This paper provides compelling evidence to show that the proposed changes to the Aboriginal Land Rights (Northern Territory) Act 1976 (the "ALRA") have no connection with the incidence of child sexual abuse; are likely to jeopardize the effectiveness of the Government's emergency response in the Northern Territory and are detrimental to the development of Aboriginal communities.

[Canada's New Government and Assembly of First Nations Strike Specific Claims Task Force: July 25, 2007](#)

The Honourable Jim Prentice, Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians and Phil Fontaine, National Chief of the Assembly of First Nations (AFN) have struck a Task Force to assist in the development of specific claims legislation. The work of the Canada-AFN Task Force will shape the development of legislation centred on the creation of an independent tribunal on specific claims. The Task Force will be supported by experienced technical staff from both the Government of Canada and First Nations. See also [Negotiation Or Confrontation: It's Canada's Choice: Final Report of the Standing Senate Committee on Aboriginal Peoples Special Study on the Federal Specific Claims Process](#)

## Native title in the News

### National

July 2007 NATIONAL **A new law for Indigenous corporations** On 1 July 2007, the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) replaced the *Aboriginal Councils and Associations Act 1976* (ACA Act). The CATSI Act will introduce 'a strong but flexible

legislative framework that aligns with the *Corporations Act 2001* where possible, but accommodates the particular needs and circumstances of individual localities and groups.' There will be additional safeguards and the Act will be administered by the registrar. On commencement, 'all corporations registered under the ACA Act will be deemed to be corporations under the CATSI Act'. Corporations will also be assessed by their size. *INTHEBLACK* (National, July 2007), 60.

1 July 2007 NATIONAL **Uranium development supported** Ian Macfarlane, Minister for Industry, Tourism and Resources and Prime Minister John Howard have responded to the 'House of Representatives Industry and Resources Committee report on uranium released late last year', with strong support for the findings and recommendations. The federal government has urged the states and territories to review their policies on new mines and remove obstacles to 'the development of the uranium industry in Australia'. Mr Howard has 'proposed a strategy to increase uranium exports and prepare for a possible expansion' of the industry. *About the House* (National, 1 July 2007), 51.

09-Aug-07 NATIONAL **\$7 Million Boost for Indigenous Environmental Projects** Minister for the Environment and Water Resources Malcolm Turnbull has said that environmental projects under the Indigenous Protected Areas Programme will receive a \$7 million boost. This will be in partnership with the Indigenous Land Corporation. *Media Release* (Federal, 9 August 2007), 5.

10-Aug-07 NATIONAL **Judge will remember day of the Willy-Nilly** Justice Robert Nicholson has retired from the Federal Court after 18 years. *Australian Financial Review* (National, 10 August 2007), 58.

21-Aug-07 NATIONAL **Creative accounting robs Aborigines of funds** The 'hundreds of millions of dollars the Commonwealth claims to have spend on indigenous affairs has either never been spent, been used to benefit Australians or gone towards opposing native title claims'. In an *Age* investigation it was found that 'over the last six years at least \$30 million the Government promoted as being for Aborigines was used to oppose indigenous native title compensation claims'. *Age* (Melbourne, 21 August 2007), 4; 'Black dollars that go everywhere but to blacks' *Sydney Morning Herald* (Sydney, 21 August 2007),

1; 'White hands raid the honey pot' *Sydney Morning Herald* (Sydney, 22 August 2007), 12.

23-Aug-07 NATIONAL **Aboriginal mining royalties unspent** Aboriginal mining royalties have been unspent. 'Almost \$50 million paid into a special fund set up to make sure mining royalties benefit Northern Territory Aborigines has remained unspent over the past 10 years'. Only \$4 in every \$10 of the \$80 million the Federal Government has available to spend as grants using the Aboriginal Benefits Account made its way to Indigenous communities by the 2005/06 financial year. The account is funded by royalties paid to the Federal Government by mining companies for using Aboriginal land. Professor John Altman said that 'technically it is public money but its whole intent is to be used for Aboriginal Benefit for Aboriginal priorities'. Minister for Indigenous Affairs Mal Brough said that 'I'm not in the practice of simply handing out funds to anyone who wants them.' *Sydney Morning Herald* (Sydney, 23 August 2007), 7.

## ACT

27 July 2007 ACT **Council opposing native title claims** The Queanbeyan City Council is opposing two native title claims located near Carinya and Henderson Street. It is specifically objecting to the claim near Carinya Street since the area will possibly be rezoned for residential development but is not objecting to the unused section near Henderson Street which is 'not likely to be used for an essential purpose'. *Queanbeyan Age* (Queanbeyan, 27 July, 2007), 11.

## New South Wales

4 July 2007 NSW **Council backs North Nowra land claim** An Aboriginal land claim over an area in North Nowra, the subject of 72 residential development lots that are expected to double the value of the land, is likely to succeed after Shoalhaven City Council voted not to object to the claim. Mayor Greg Watson said 'he was aware the NSW Land Council had lodged 'a whole heap of land claims' in the Shoalhaven.' *South Coast Register* (Nowra, 4 July 2007), 7.

4 July 2007 NSW **Harbour land claim** A land claim made by the NSW Aboriginal Lands Council over an area of foreshore 'occupied by the Ulladulla Coastal Patrol and abalone co-op' has met with the objection of the Shoalhaven City Council. Ulladulla Aboriginal Land Council coordinator Shane Carriage had no knowledge of the claim and said 'because of the nature and use of the land, he did not expect it to be approved.' *Milton Ulladulla Times* (Ulladulla, 4 July 2007), 8.

10 July 2007 NSW **Council cool on claim** Baulkham Hills Shire Council decided not to be involved in 'negotiations for an Indigenous land agreement with the Darug People for the management of Crown Land reserves.' A council report said the Darug People had insufficient evidence for a native title determination in the Federal Court. Three Aboriginal claim groups are involved, with one opposed to the application. *Hills Shire Times* (Sydney, 10 July 2007), 20.

24 July 2007 NSW **Land claim group tees up golf course** The Ex-Services golf course at Bloomfield is 'caught up in a state-wide blanket claim on Crown land' made by an Aboriginal group based in Sydney. Both the Orange City Council and Ex-Services will be preparing a submission 'arguing that the site is 'currently lawfully used and is required for an essential public purpose'.' The claim also covers a proposed hospital site. 'Only Crown land that is unused can be successfully claimed under Aboriginal land rights.' *Central Western Daily* (Orange, 24 July 2007), 5.

01-Aug-07 NSW **Job program sacked** The Forster Local Aboriginal Land Council's Community Development Employment Program will end after the Department of Employment and Workplace Relations elected not to renew its contract with the land council. Donna Hall from the land council said that 'there has been a bit of anger in the community because it has lead to a lot of uncertainty'. *Great Lakes Advocate* (Forster, 1 August 2007), 3.

02-Aug-07 NSW **Land claim may cause two year hospital delay** The Orange hospital may be delayed 'due to a land claim put on Bloomfield by the NSW Aboriginal Land Council'. The claim 'affects the new hospital site and the surrounding Country Club golf course, Orange City Council and Orange EX Services Club [which have] prepared submissions proving the Crown land there is

being used for community benefit'. The submissions 'will be a part of a report that goes to the NSW Department of Lands'. *Midstate Observer* (Orange, 2 August 2007), 3; 'Hospital site in land claim limbo' *Central Western Daily* (Orange, 16 August 2007), 5.

03-Aug-07 NSW **Council appeals land sale decision** the Koombahtoo Local Aboriginal Land Council has 'appealed against a Supreme Court decision handed down last year over the sale of land it has owned at Morisset'. The Council argued that the sale was void as it 'infringed the provisions of the Aboriginal Land Rights Act 1983...and as a consequence the mortgage of the land by the trustee was void'. Legal counsel for the land council said that 'land could only be disposed of if a meeting of members was called and at least 80 percent voted that the land did not have cultural significance'. *Newcastle Herald* (Newcastle, 3 August 2007), 27.

15-Aug-07 NSW **\$85000 Grant for Toongabbie** The Riverina's Toongabbie Indigenous Protected Area (IPA) will 'received \$85 000 from the Australian Government's IPA Programme to expand its weed control work, plant trees and develop an Aboriginal Cultural Heritage Centre'. The Nari Nari Tribal Council owns and manages Toongabbie IPA. *Riverine Grazier* (Hay, 15 August 2007), 3.

21-Aug-07 NSW **Fears emergency law may apply in Sydney** Local Aboriginal Leader and CEO of the Aboriginal Housing Company Michael Mundine 'has expressed concerns about the Northern Territory National Emergency Response Bill'. Mr Mundine said that the 'bill gives the Australian Crime Commission (ACC) power to take over communities outside the Northern Territory'. He said that 'paedophiles should be caught and put away as quickly as possible for the safety of our children. However, the ownership of land has nothing to do with catching paedophiles and dealing with alcohol problems'. *Inner Western Suburbs Courier* (Sydney, 21 August 2007), 13.

29-Aug-07 NSW **Githabul a stop closer to native title** The Githabul people have reached an agreement with the NSW Government over 112 000 hectares of national parks and state forests and have recently had their ILUA registered with the National Native Title Tribunal. This finalises the legally binding agreement which is expected

to deliver 'employment opportunities, freehold land and co-management of national parks'. This is a major 'milestone' towards a native title consent determination. *Koori Mail* (National, 29 August 2007), 29.

30-Aug-07 NSW **Carrying on Linky's native title vision** The Naryulgil Bundjalung native title claim was registered with the Native Title Tribunal by elder Ken 'Linky' Gordon 'but faced termination with his death last year had another applicant not replaced him'. Avery Brown took over his role and said that 'the reasoning behind the claim is to preserve our sacred sites, our rights to maintain traditions and to ensure we can look after the best interests of our people'. However he said that NSW Native Title Services did not represent the claim group's interests. *Daily Examiner* (Grafton, 30 August 2007), 3.

## Northern Territory

July 2007 NT **Indigenous community rejects Jabiluka reopening** The Mirarr people of the Northern Territory have confirmed their opposition to the Jabiluka uranium mine. Rio Tinto and its subsidiary Energy Resources Australia have been working with the community in the hope of reopening the mine. 'Rio has since said it would not move ahead with Jabiluka while the local people remain opposed to the mine.' *Resourcestocks* (National, July 2007), 9; 'Rio pledges to wait for consent on Jabiluka mine' *Age* (Melbourne, 27 July 2007), 3; 'What's worth yellow and worth a mint' *Australian Mining Monthly* (National, July 2007), 23.

3 July 2007 NT **Court option for Aborigines** Indigenous Affairs Minister Mal Brough has said that Aboriginal people whose land is acquired by the federal government under its 'takeover of 73 Indigenous communities in the Northern Territory would have the same legal rights as anybody facing 'compulsory acquisition'. Those aggrieved by the compensation offered by the government would have legal recourse. Federal Indigenous Affairs Minister Mal Brough has sought legal advice that 'Native title will not be extinguished by the Howard Government's five-year seizure of Aboriginal land in the Northern Territory.' Native title will not be extinguished because the government is merely leasing the land. *Australian* (National, 3 July 2007), 1; 'Right to sue over loss of land title' *Australian* (National, 3 July

2007), 4; 'Native title not affected by seizure' *Australian* (National, 5 July 2007), 4.

3 July 2007 NT **Permit still required to enter Aboriginal land** The Central Land Council 'reminded people wanting to visit Aboriginal land that the permit system was still in place.' Until amendments are made to the Aboriginal Land Rights Act, non-Aboriginal people are still required to obtain a permit from 'local councils, an Aboriginal elder or the NT Government'. *MX* (Sydney) (Sydney, 3 July 2007), 2; 'Permits still in place' *Geelong Advertiser* (Geelong, 4 July 2007), 17; 'Permit still necessary' *Western Advocate* (Bathurst, 4 July 2007), 7.

4 July 2007 NT **Ditching permits may get access on track** Central Petroleum, an oil and gas explorer, hopes that removing the permit system will 'make it easier for mining companies to gain access to its projects'. The company has been negotiating a lease with the Central Land Council (CLC) for road access over the Colson track. The CLC said that the company 'did not need a lease to use an access road' but traditional owners 'were concerned that allowing access on the Colson track might encourage others, such as tourists, to use it'. A spokesman for Federal Indigenous Affairs Minister Mal Brough has said that permits will only be removed over 'common areas in major townships and the road and air routes connecting them to townships' but that the 'permit system will still apply on the vast bulk of Aboriginal land.' *Northern Territory News* (Darwin, 4 July 2007), 21.

4 July 2007 NT **NT Govt granted leave to appeal** The Federal Court ruling in the Blue Mud Bay case 'giving Aborigines exclusive access to 80 percent of the region's coastline' will be appealed by the Northern Territory Government. The ruling 'immediately superseded the NT Fisheries Act' but an interim licensing agreement has been reached between the government and traditional owners. The appeal is expected to be heard later in the year with the High Court to deliver judgment next year. *Koori Mail* (National, 4 July 2007), 48; 'Owners 'out of loop' in Blue Mud Bay case' *Northern Territory News* (Darwin, 16 July 2007), 3.

4 July 2007 NT **Precinct plan storming ahead** Katherine Town Council held a meeting with Katherine Regional Cultural Precinct stakeholders 'to let traditional owners know about plans for the site ahead of official

negotiations to seek approval to build on the site, under a Native Title claim.' No traditional owners were present at the meeting. 'Andy Anderson from the Northern Land Council said it could bring cultures together.' Mayor Anne Shepherd hoped the development would 'change the face of Katherine'. *Katherine Times* (Katherine, 4 July 2007), 5.

5 July 2007 NT **Mine makes \$30m pact with Indigenous community** An agreement has been made 'between McArthur River Mine and the Borroloola community' to set up a \$30 million trust fund for the Aboriginal community. It comes 'as part of a controversial \$110 million project to divert the McArthur River by 5.5km, transforming the mine from underground to open cut and extending its life'. Jack, a Borroloola local, is doubtful of the benefits since the company have yet to pay the community any royalties. *Australian* (National, 5 July 2007), 4; 'Mining company sets up community trust fund' *Northern Territory News* (Darwin, 5 July 2007), 4; 'McArthur River Mine pays up after 12 years' *National Indigenous Times* (National, 26 July 2007), 9.

6 July 2007 NT **\$60m back on agenda for camps** Tangentyere Council is reconsidering the Federal Government's funding offer for an upgrade of town camps. It has put forward its own model of '99-year leases for residents who want to buy their homes and 20-year leases for all other houses' and housing associations to also share control of the camps. The proposal has been rejected by the Federal and Territory governments, describing it as 'not workable'. Many residents feared the original offer 'would mean effectively giving up their land rights.' *Centralian Advocate* (Alice Springs, 6 July 2007), 8.

7 July 2007 NT **Court rejects native claim** The Full Federal Court has upheld the decision of Sackville J dismissing a claim for compensation under Native Title legislation. The test case, begun 10 years ago, 'was brought on behalf of the Yankunytjatjara and Pitjantjatjara people'. Several similar cases have been waiting for the decision. The group will now decide whether to appeal the decision or 'refile a restructured claim to the Federal Court.' *Age* (Melbourne, 7 July 2007), 8.

9 July 2007 NT **Canberra ready to seize town camps** The federal Government is likely to seize most camps in Alice Springs 'for breaches of lease conditions'. Special legislation will be enacted 'to override the Territory Government if necessary' but it wants the Territory to resume the leases. Daniel Forrester from the Larapinta Camp 'is angry about the lack of consultation with residents, despite their earlier rejection of a \$70 million commonwealth offer to improve their homes in return for signing over their land for 99 years.' *Australian* (National, 9 July 2007), 2; 'C'wlth considers seizing control of town camps' *National Indigenous Times* (Malua Bay, 12 July 2007), 6.

10 July 2007 NT **Plan stalls for special sitting on Aboriginal legislation** Indigenous Affairs Minister Mal Brough is expected to report to Cabinet on the progress of special legislation for the Federal Government's intervention in the Northern Territory. Mr Brough 'had made it clear that at the end of the five years, the townships would return to Aboriginal communities on whatever basis they wanted them.' The Prime Minister has indicated that a special session of Parliament will not be held 'if the drafting ran too close to the scheduled resumption of Parliament'. Greens leader Bob Brown has said that if that were the case, it 'would be a remarkable abuse of parliamentary process.' *Age* (Melbourne, 10 July 2007), 2.

10 July 2007 NT **Legal threat over land plan** The legality of the Federal Government's plan 'to abolish the permit system in Indigenous communities through the amendment of the Land Rights Act' has been questioned by the Northern Land Council (NLC) chief executive Norman Fry. Mr Fry described the move as discriminatory and legally questionable. The Northern Territory Attorney-General will also seek legal advice over the proposal and 'what we as a Government might do'. It is expected that the NLC and the Central Land Council will support any legal action. *Canberra Times* (Canberra, 10 July 2007), 4; 'NT may oppose land takeovers' *Australian Financial Review* (National, 10 July 2007), 8; 'Permit action threat' *Bendigo Advertiser* (Bendigo, 10 July 2007), 13; 'Territory talks legal action' *Courier Mail* (Brisbane, 10 July 2007), 15; 'Federal govt could face legal action over permits' *Daily Advertiser* (Wagga Wagga, 10 July 2007), 8; 'Govt could face action on permits' *Daily Mercury* (Mackay, 10 July 2007), 10;

'Govt could face action on permits' *Daily News* (Warwick, 10 July 2007), 12; 'Govt could face action on permits' *Daily News* (Tweeds Heads, 10 July 2007), 8; 'Legal action threat' *Warrnambool Standard* (Warrnambool, 10 July 2007), 6; 'Govt could face action on permits' *Queensland Times* (Ipswich, 10 July 2007), 16; 'Scrapping permits stirs tourist invasion fears' *Northern Territory News* (Darwin, 10 July 2007), 7; 'Aboriginal land seizures face legal challenge' *Newcastle Herald* (Newcastle, 10 July 2007), 11; 'Govt could face action on permits' *Gladstone Observer* (Gladstone, 10 July 2007), 11; 'Govt could face action on permits' *Gympie Times* (Gympie, 10 July 2007), 6; 'NLC supports permits' *Kalgoorlie Miner* (Kalgoorlie, 10 July 2007), 19; 'NT legal action bid' *Launceston Examiner* (Launceston, 10 July 2007), 15; 'Territory may back lawsuit over title' *Australian* (National, 10 July 2007), 5; 'NT govt looks at legal action over permit scrap' *National Indigenous Times* (Malua Bay, 12 July 2007), 6; 'At the crossroads' *Northern Territory News* (Darwin, 21 July 2007), 236.

#### 10 July 2007 NT **Fry sees red over NLC mum claims**

Northern Land Council (NLC) chief executive Norman Fry denies its involvement in a '\$600 million deal for leasing Aboriginal communities.' Mr Fry maintains that the NLC 'has always opposed compulsory acquisition of Aboriginal land, or removal of the permit system.' *Northern Territory News* (Darwin, 10 July 2007), 7.

#### 11 July 2007 NT **Aboriginal coalition's alternative plan**

The Combined Aboriginal Organisations of the Northern Territory has released a report criticising the Federal Government's plan to acquire towns and remove the permit system. 'The report recommends that the permit system... be retained and said land tenure issues were not expected to improve child protection.' *Australian* (National, 11 July 2007), 6; 'Aboriginal group lashes PM's plan' *Age* (Melbourne, 11 July 2007), 8; *National Indigenous Times* 'Aboriginal coalition poses alternative to Brough plan' (Malua Bay, 12 July 2007), 3.

#### 12 July 2007 NT **Activist fears govt 'land grab'**

Aboriginal activist Mick Dodson said he did not see the 'connection between child abuse and land tenure' in the Federal Government's intervention plan. Prof Dodson is concerned that the government's plan to seize 73 Northern Territory communities in an attempt to combat child abuse is a 'land grab'. *Toowoomba Chronicle*

(Toowoomba, 12 July 2007), 20; 'Activist fears govt 'land grab'' *Daily Mercury* (Mackay, 12 July 2007), 10; 'Activist fears govt 'land grab'' *Daily Examiner* (Grafton, 12 July 2007), 29; 'Activist fears govt 'land grab'' *Daily News* (Warwick, 12 July 2007), 7; 'Activist fears govt 'land grab'' *Observer* (Gladstone, 12 July 2007), 11; 'Activist fears govt 'land grab'' *Gympie Times* (Gympie, 12 July 2007), 6; 'Activist fears govt 'land grab'' *News Mail* (Bundaberg, 12 July 2007), 10; 'Activist fears govt 'land grab'' *Northern Star* (Lismore, 12 July 2007), 18.

#### 14 July 2007 NT **Who wants to be a billionaire? I don't**

Nuclear power company Areva wants to extract more than \$5 billion worth of uranium on its mineral lease at Koongarra but the senior custodian of Koongarra Jeffrey Lee wants it incorporated into surrounding Kakadu National Park. Mr Lee wants to see the area protected from mining. The federal government has said 'that no new mine would be approved in the territory unless it had the approval of traditional owners.' Areva would need approval from Mr Lee, but the government has assured UNESCO 'that it would agree in principle for Koongarra to be incorporated into the park if the traditional owners requested it.' *Age* (Melbourne, 14 July 2007), 3; 'Leave my uranium, my sacred site alone' *West Australian* (Perth, 21 July 2007), 72.

#### 16 July 2007 NT **Landholders hit takeover plan**

The federal government will need to get sacred-site clearance and survey township boundaries before it can acquire land through five-year leases. Central Land Council director David Ross has said 'that needs to come through the land council'. The Land Council had been 'negotiating leases of the townships with the Northern Territory Government' which would have put money for 'just terms' compensation under the Commonwealth's proposal, into housing instead. *Australian* (National, 16 July 2007), 6.

#### 27 July 2007 NT **Plan for new 'town' at Owen Springs**

Alice Springs will have its 'own Palmerston Style satellite city to ease housing availability' said Independent Greatorex candidate Pail Herrick. However CLP candidate Matt Conlan has said that this would need an 'independent body to oversee the creation of more land'. He also attacked the Government's approach when 'dealing with native title claims'. *Centralian Advocate* (Alice Springs, 27 July 2007), 2.

29 July 2007 NT **Fish Permits in Doubt** The fishing permit system that will be introduced into the Northern Territory cannot be enforced by the police. The new regulations were introduced after the High Court's Blue Mud Bay decision which entitles Aboriginal land owners to exclusive possession of the intertidal waters along 80 per cent of the Northern Territory coast line. However a source has said that 'police can't do anything about it because its not gazetted as a law'. Amateur Fisherman's Association president Warren de With said 'the uncertainty threatening recreation fishermen threatens to destroy the Territory's reputation'. *Sunday Territorian* (Darwin, 29 July 2007), 3.

31 July 2007 NT **Elders smoke supreme court** Yanyua elders from Borroloola travelled to Darwin to support the 'challenge of the Commonwealth approval of the NT's largest zinc mine - the McArthur River Mine (MRM).' The elders were recorded by a film crew. *Northern Territory News* (Darwin, 21 July 2007), 2.

01-Aug-07 NT **Royalties from MRM, at last** The McArthur River Mine near the Gulf of Carpentaria has handed over \$13 million even though the mining development was one of the first major developments following the Mabo decision. 'Despite this, the company - owned by Swiss Mining Giant X strata - has paid no royalties to date. But because of a controversial \$110 million project to divert the McArthur River by 5.5 km, transforming the mine from underground to open cut and extending its life, the mine's general manager Brian Hearne said that the company was making more money'. *Koori Mail* (National, 1 August 2007), 34.

01-Aug-07 NT **NT Intervention Message to PM John Howard: You've failed; Message to Labor's Kevin Rudd: so have you!** The Federal Government's intervention in the Northern Territory has 'been blasted as evidence that the Prime Minister has failed to deliver his promise of practical reconciliation'. Pat Turner a coordinator of the Combined Aboriginal Organisations of the Northern Territory (CAO) has 'predicted that the intervention will fail because it is being conducted without consulting Aboriginal people'. Ms Turner said that 'Aboriginal communities continued to lack basic infrastructure such as housing, schools and medical facilities'. She urged the government to 'implement the recommendations contained in the *Little Children are Sacred* report, which

has been used to justify sending in the troops.' She criticised the link made between child abuse and land rights. The authors of the report, Rex Wild QC and Patricia Anderson said that they 'felt betrayed by the Government'. Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calms said that health checks had been carried out in the Northern Territory prior to the intervention even though they have been announced by Mal Brough as a new measure. Even though Mr Calma 'welcomes the fact that Aboriginal issues were now firmly on the agenda' he 'remained concerned about the practical implementation and many aspects of the Government's strategy. Professor Larissa Behrendt the director of research at the Jumbana Indigenous House of Learning said that the Labor party had failed to offer an adequate response to the issue. However Indigenous leader Warren Mundine said that the plan was not a 'land grab'. *Koori Mail* (National, 1 August 2007), 8; 'Meddling a blight: chairman' *Border Mail* (Albury, 1 August 2007), 19; 'Canberra's NT Troop Move 'devastating' *Age* (Melbourne, 6 August 2007)), 4; 'Coast blow-out for NT plan: Indigenous reform package hits \$500 m' *Australian* (National, 6 August 2007), 1; 'PM plan no land grab: Mundine' *Australian* (National, 6 August 2007), 4; 'Govt's NT crackdown a 'betrayal' *Canberra Times* (Canberra, 6 August 2007), 3; 'PM stands condemned' *Hobart Mercury* (Hobart, 6 August 2007), 4; 'ALP's support not in question' *Australian* (National, 8 August 2007), 4; 'Reconciliation with a vengeance' *Australian* (National, 8 August 2007), 4; 'Laws get tick amid claims of genocide' *Canberra Times* (Canberra, 8 August 2007), 3; 'Aboriginal crisis: it's time for talk' *Canberra Times* (Canberra, 8 August 2007), 12; 'The ALP 'scared of taking on Martin' *Australian* (National, 16 August 2007), 6; 'Breaking the silence' *New Woman* (National, September 2007), 75.

01-Aug-07 NT **Views spilt on tourism opportunities in communities** It has been argued that the 'tourism industry could blossom in job-starved remote communities with the winding back of the permit system'. Northern Land Council Chief Executive Norman Fry said that 'a removal of the permit system would see Arnhem Land instantly become the world's most sought after backpacker destination'. This view was echoed by the Department of Employment and Workplace Relations NT Manager Brenda Parkes who said that 'opening areas up for more people to visit [will] stimulate industry'. However Justice Minister Syd Stirling said that 'its

nonsense to think that visitation...can be forced on reluctant hosts...Indigenous communities have spoken out strongly against the removal of the permit system'. *Northern Territory News* (Darwin, 1 August 2007), 21.

01-Aug-07 NT **Jam the fishing permits** New laws have come into effect 'requiring recreational fishermen to apply to the Northern Land Council for a permit to fish around 80 per cent of the Territory's coastline'. Deputy Opposition Leader Terry Mills has said that fishing permits in the Northern Territory go 'beyond an offence to my personal freedom'. Mr Mills was concerned that 'the system... will increase division' and 'denied his comments were stunt though he said he has not has a chance to go fishing for a long time'. The Blue Mud Bay decision has been appealed by the Northern Territory Government. The police have said that 'recreational fishermen will be given a warning for throwing a line in without a permit on Aboriginal land'. *Northern Territory News* (Darwin, 2 August, 2007), 1; 'NT fishers facing permit warnings' *Sunday Territorian* (Darwin, 5 August 2007), 2; 'Fishers to get permit warnings' *Sunday Territorian* (5 August 2007), 4.

02-Aug-07 NT **Tiwi Permit system to be abolished** The permit system in the Tiwi Islands will be abolished. The Federal Government is currently engaging in discussions with traditional owners to 'sign a lease in exchange for a high school, 25 new homes and \$1 million for health initiatives'. A 'legal bid to delay the signing of a 99 year head lease failed after insufficient evidence was found to substantiate claims of bribes and forgery'. *Northern Territory News* (Darwin, 2 August, 2007), 4; 'Tiwi lease bid fails' *Age* (Melbourne, 14 August 2007), 4; 'Land Lease' *Adelaide Advertiser* (Adelaide, 21 August 2007), 4; 'Tiwi people hail lease as 'new beginning'' *Australian* (National, 31 August 2007), 4; 'Tiwi lease given up' *Northern Daily Leader* (Tamworth, 31 August 2007), 9; 'Ink dries on first 99 year govt lease' *Northern Territory News* (Darwin, 31 August 2007), 4; 'Historic Agreement for 99 year lease in NT' *Media Release* (Federal Government, 30 August 2007), 1; 'Nguiu landowners opt for home ownership' *Media Release* (Tiwi Land Council, 30 August 2007), 1; 'Middletons advises Tiwi Islands on 99 year Head Lease with the Commonwealth' *Media Release* (Middletons, 30 August 2007), 1.

03-Aug-07 NT **Laws to scrap permits heading to parliament** Legislation with a 'drastic effect on the Territory's permit system' has been tabled in Parliament. Federal Indigenous Affairs Minister Mal Brough said that the 'new laws will scrap the need for a permit in "common areas of major communities" and "airstrips and access roads to the communities"'. This will also apply to obtaining a permit to attend court hearings on Aboriginal land. The Central Land Council which has administered the permit system under the Aboriginal Land Right Act has said that 'there is no just evidence that 'open' communities are better off than communities on Aboriginal land whose access has been regulated by permits'. Tangentyere Council executive director William Tilmouth said that 'I believe there will be more harm done to children in the future than has been done in the past'. A *Centralian Advocate* (Alice Springs, 3 August 2007), 2.

03-Aug-07 NT **The streets belong to us: More than a permit needed** The Federal Government has 'declared that it will abolish the permit system under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth)'. The legislation was originally proposed by the Whitlam government and received bipartisan support. Barrister Dr Jocelyn A Scutt has argued that 'Aboriginal people were given the right to occupation and ownership of Aboriginal land without interference. This did no more than extend to indigenous Australians rights that non-Indigenous Australians have enjoyed.'. Some Indigenous communities will not be offered financial compensation and 'people will also lose the right to have the management of the their welfare payments reviewed by the Social Security Appeals tribunal'. Aboriginal elders from remote communities have said that 'they believed they were being forced to hand over control of their lands in a way that "would not be tolerated by any other community group"'. The primary concern is the 'lack of consultation and a perceived lack of detail or long term planning'. Other measures such as the commitment of extra policing has been welcomed although 'elders argue police need better cultural training and that funding for indigenous run night patrols should be restored'. However West Australian Magistrate Sue Gordon who is chairing the Northern Territory Emergency Taskforce said that 'their work was considered an emergency response [and that] it was not possible to hold widespread consultation beforehand. *Lawyers Weekly*



(National, 3 August 2007), 13; 'Howard Government getting on with the job of protecting children in the Northern Territory' *Media Release* (Mal Brough, Minister for Families, Community Services and Indigenous Affairs, National, 6 August 2007), 29; 'Pm's wedge is not gift for Aborigines' *Australian* (National, 10 August 2007), 16; 'Land Council fears welfare quarantine fallout' *Australian* (National, 3 August 2007), 5; 'Bar humbug' *Australian* (National, 10 August 2007), 15.

**05-Aug-07 NT Brough close to deal on control of town camps** Leaders of northern Australia's main Aboriginal groups are heading to Canberra in a bid to stop the Government legislation'. Even though negotiation have been 'kept secret, it is understood an agreement for a new deal on security, housing and employment could be struck within weeks'. Community held lands are perceived to have 'prevented Aborigines from raising their own living standards' and that 'changes to land tenure will not take land away from Aborigines but make their land rights more meaningful by allowing them to own their own homes and enjoy improved amenities.' Pat Turner, a prominent Indigenous leader said that 'it's important for Australians to understand that we will not give up our lands'. Letters were drafted at a meeting of 30 Indigenous leaders in Arnhem land 'calling on [Prime Minister John Howard and Opposition Leader Kevin Rudd] to halt the legislation that is expected to take control of Aboriginal communities and wind back the permit system'. A delegation of Indigenous Leaders arriving in Canberra said that they were 'particularly concerned about changes to land tenure and the permits system saying they have not seen any evidence to show that either measure will stop child abuse'. *Sunday Age* (Melbourne, 5 August 2007), 3; 'Aboriginal leaders to protest' *Sunday Examiner* (:Launceston, 5 August 2007), 10; 'Aboriginal leaders fight Govt' *Sunday Territorian* (Darwin, 5 August 2007), 4; 'NT Indigenous leaders seek meeting with PM' *Age* (Melbourne, 4 August, 2007), 4; 'Indigenous leaders call for halt to territory intervention' *Sydney Morning Herald* (Sydney, 4 August 2007), 4; 'Anger over NT child Bill' *Courier Mail* (Brisbane, 8 August 2007), 5; 'Wealth built on land "theft"' *Northern Territory News* (8 August 2007), 14; '\$20m exchange' *Sunshine Coast Daily* (Maroochydore, 8 August 2007), 14; 'A home of one's own: changed tenure will increase the value of Aboriginal land' *Australian* (National, 6 August 2007), 17;

'No recompense for leases: Brough' *Sydney Morning Herald* (Sydney, 7 August 2007), 6.

**07-Aug-07 NT Intervention legislation to remove appeal rights** The Commonwealth's legislation introduced into parliament will 'remove normal rights of appeal for aborigines in the Northern Territory, prevent customary law being considered in sentencing and give itself open-ended powers to acquire land or ban alcohol'. Indigenous Affairs Minister Mal Brough 'confirmed the Government would spend \$587 million in the first year of the five year intervention' which will see 'Canberra take control of Aboriginal townships through five year leases, introduce alcohol and pornography bans and quarantine welfare payments'. The money 'does not include money to compensate traditional owners for land the Government compulsorily acquires for five years'. Mr Brough has said that 'rent and improvements including infrastructure programs could count as compensation'. NT Chief Minister Claire Martin said that 'measure to remove permit systems, lease land for five years and compulsorily acquire town camps had "nothing to do with child abuse"'. The Federal Government has been criticised for 'ramming' the reforms although it has been justified on the basis of a 'national emergency'. *Age* (Melbourne, 7 August 2007), 6; 'Right to tribal law scrapped' *Australian* (National, 7 August 2007), 1; 'Indigenous support: the NT intervention Bill deserves a smooth passage' *The Australian* (7 August 2007), 15; 'Brough moves fast on NT laws' *Canberra Times* (Canberra, 7 August 2007), 1; 'Call for Howard to go on attack' *Courier Mail* (Brisbane, 7 August 2007), 7; 'Alcohol banned in abuse crackdown' *Daily Telegraph* (Sydney, 7 August 2007), 2; 'Brough unveils 'takeover' plans' *Centralian Advocate* (Alice Springs, 7 August 2007), 5; 'Martin: Child Abuse fight key to reforms' *Centralian Advocate* (Alice Springs, 7 August 2007), 5; 'Intervention queried' *Northern Territory News* (Darwin, 21 August 2007), 6.

**07-Aug-07 NT Reconciliation Australia Calls for non urgent aspects of the legislation to be deferred**

Reconciliation Australia has 'called on the Government to extract and defer non-urgent elements of the Northern Territory National Emergency Response Bill'. It also asked that a 'detailed evaluation of its early impact be released to reassure communities the plan is based on evidence of what's working'. A report commissioned by

Oxfam said that there is 'compelling evidence that the proposed changes have no connection with the incidence of child sex abuse, are likely to jeopardize the effectiveness of the Government's emergency response in the Northern Territory and are detrimental to the development of Aboriginal communities'. Senator Andrew Bartlett has also said that 'the government's attempt to ram its Indigenous intervention legislation through parliament this week with no time set aside for proper scrutiny or debate is a flagrant abuse of power which seriously risks making things worse rather than better'. *Media Release* (National, 7 August 2007), 1; *Media Release* (National, 7 August 2007), 11; 'Government's railroading Indigenous intervention risks long term harm' *Media Release* (National, 7 August 2007), 45.

07-Aug-07 NT **Groote Eylandt supports 99 year township leases** The Groote Eylandt region of the Northern Territory was 'emerging following in principle agreement of the local Anindilyakwa people to enter into a 99 year lease'. An in principle agreement has been reached with the Angurugu, Umbakumba and Milyaburra townships'. *Media Release* (National, 7 August 2007), 25.

08-Aug-07 NT **Takeover Bill stalled** The legislation implementing the Government's intervention in the Northern Territory will be supported by the Labor party with amendments that 'get rid of provisions exempting the legislation from the Racial Discrimination Act; keep permits for entry to Aboriginal townships; and guarantee a review of parts of the law after a year of operation'. The legislation has also been used by both parties in the wake of the federal election to 'seize the popular ground'. The reforms are made of six bills which have been passed with Labor support. Minister for Indigenous Affairs Mal Brough said that 'it's a time in our nation's history...when hopefully we can once and for all make a real improvement in the lives of the First Australians and the children in particular'. However Labor Warren Snowdon 'accused the Government of abusing the parliamentary process'. Opposition Senate Leader Chris Evans 'moved to amend the wording of the NT laws to ensure "the just terms guarantee of the constitution will apply"'. However community service Minister Nigel Scullion said that "any bills will not remove or diminish that aspect of the constitution'. *Adelaide Advertiser* (Adelaide, 8 August 2007), 24; *Age* (Melbourne, 8 August 2007), 8; 'ALP's

support not in question' *Australian* (National, 8 August 2007), 4; 'Reforms on abuse passed' *Courier Mail* (Brisbane, 8 August 2007), 5; 'CLC fights to save NT permits' *Centralian Advocate* (Alice Springs, 7 August 2007), 5; 'It's the vibe,' says Labor about indigenous laws amendment plan' *Courier Mail* (Brisbane, 16 August 2007), 14.

10-Aug-07 NT **Communities 'scared' into signing leases** The Northern Territory's 'peak local government body has accused the federal Government of using the intervention to scare indigenous communities into signing 99 year leases'. Kerry Moir, president of the NT's Local Government Association said 'communities and councils believed they would be rewarded if they 'came on side'. Ms Moir said that 'Angurugu and Umbakumba on Groote Eylandt were not communities listed for the intervention had... announced their intention to sign a 99 year lease'. *Northern Territory News* (Darwin, 10 August 2007), 6.

10-Aug-07 NT **Birthplace of land rights on heritage list** The Wave Hill cattle station where Vincent Lingiari and the Gurindji people walked off in 1966 has been added to the National Heritage List. The walk off was the 'start of what was to become a decade struggle for recognition that culminated in the Aboriginal Land Rights Act'. *Sydney Morning Herald* (Sydney, 10 August 2007), 5; 'Land rights honour' *West Australian* (Perth, 10 August 2007), 91; 'Walk-off sites recognised' *Katherine Times* (Katherine, 29 August 2007), 5.

14-Aug-07 NT **Quick review gives NT plans the go ahead** The 'controversial Commonwealth intervention to stop child abuse in Aboriginal communities in the Northern Territory has been given the go ahead after a lightning-quick review by a parliamentary committee'. The 'Government dominated committee has recommended the intervention legislation be passed without amendment' but 'has called on the Government to clarify whether Aborigines will be compensated on just terms when the Government compulsorily acquires their property'. The Democrats and Greens filed dissenting reports with Senator Andrew Bartlett saying that '[provisions for the takeover of Indigenous land and the scrapping of permits should be deleted because there was not proof they would stop child abuse'. *Age* (Melbourne, 14 August 2007), 6.

16-Aug-07 NT **Empires Crumble** Tangentyere 'may lose all or much of its recurrent funding from the Commonwealth following its rejection of \$60m from Indigenous Affairs Minister Mal Brough for upgrading town camps in Alice Springs'. The body will cease to provide municipal services. *Alice Springs News* (Alice Springs, 16 August 2007), 1; 'Macadam speaking with forked tongue?' *Alice Springs News* (Alice Springs, 16 August 2007), 4.

16-Aug-07 NT **Combined Aboriginal Organisations 'no mandate from locals'** Lhere Artepe is 'challenging the mandate of the Combines Aboriginal Organisations of Alice Springs to speak on behalf of local Aborigines'. CEO Ken Laughton is 'calling for Indigenous money to be channelled through Lhere Artepe which would subcontract to...organisations to provide services to town camps'. Mr Laughton said that 'Lhere Artepe are supposed to be the peak organisation for dealing with Aboriginal issues in Alice Springs'. Tangentyere has a one fifth share in the investment company Centrecorp which has come under pressure to become more accountable. Indigenous Affairs Minister Mal Brough warned 'indigenous charities will face Government action if they failed to be accountable and transparent in their operations'. *Alice Springs News* (Alice Springs, 16 August 2007), 5; 'Aboriginal firm to list donations' *Age* (Melbourne, 22 August 2007), 4; 'Brough warns Indigenous charities' *Age* (Melbourne, 23 August 2007), 12.

22-Aug-07 NT **Northern fires risk to emissions: expert** According to CSIRO research 'Australian can save millions of tonnes of greenhouse gases each year by reducing the number, size and frequency of fires burning across its tropical northern savannas'. The management of 'new prescribed burning regimes to reduce greenhouse gases offer[s] real economic opportunities for Aboriginal communities'. Land councils have been involved in strategic fire management across western Arnhem land. *Canberra Times* (Canberra, 22 August 2007), 6.

27-Aug-07 NT **Tiwi Trees** Former Federal Environment Minister Robert Hill approved plans to clear up '26 000 hectares of native title forest on Western Melville Island'. The decisions gave 'South Australian Timber company the Australian Plantation Group, in partnership with the Tiwi Land Council, the go ahead to clear eucalypt forests

of stringy bark bloodwood and woolly butt to plant quick growing hickory wattle to produce export woodchips for China and Japan'. It is the 'single biggest land clearing project in Northern Australia'. However 'with few economic opportunities for the Tiwi Islands, both the federal and Northern Territory governments argued the forestry project would deliver local jobs and income for Tiwi Islands. Environment Centre NT Campaigner Peter Robertson says 'in the end, to our frustration, the approval went through pretty quietly, without attracting much attention outside the Territory and without being subjected to a full EIS by the federal government'. *Canberra Times* (Canberra, 27 August 2007), 1.

31-Aug-07 NT **Indigenous health fears over govt leases** GPs and medical leaders have warned that 'land rights changes as a part of the Federal Government's intervention in the NT could actually worsen Indigenous health'. Dr Jan Bowman said that 'opening up access could make it easier to bring alcohol in, allow more non-indigenous child sex perpetrators to enter and enable prostitution to develop in communities. *Australian Doctor* (National, 31 August 2007), 6.

## Queensland

01-Jul-07 QLD **Minerals resources laws review after 17 years** The Queensland Government is proposing a new Mineral Resources Act to replace the *Minerals Resources Act 1989*. Mines and Energy Minister Geoff Wilson said that 'we're riding an incredible resources boom and we need to move with the times'. A discussion paper on the proposed legislation was released May 15. *Queensland Government Mining Journal* (National, July 2007), 12.

4 July 2007 QLD **\$52m. TSRA Budget 'to deliver positive outcomes for the region'** The 2007-2008 Budget announced by the Torres Strait Regional Authority's Board promises to deliver 'a better quality of life and to develop an economic base for the Indigenous people of this region' said Chairperson Toshie Kris. It includes a commitment of \$1 657 803 for the Native Title Program. *Torres News* (Thursday Island, 4 July 2007), 7; 'TSRA Budget announced' *Torres News* (Thursday Island, 4 July 2007), 9.

5 July 2007 QLD **Cow Bay agreement reached** A native title land use agreement, believed to be the first community-based agreement in Australia, has been reached between the Yalanji people and the Queensland government after more than 5 years of negotiations. Other parties included 'Cow Bay residents and representatives of Cape York Land Council' and sets aside 85 hectares for native title. *Port Douglas & Mossman Gazette* (Port Douglas, 5 July 2007), 6.

10 July 2007 QLD **Allotment shortage** Calliope Shire mayor George Creed is calling on the Queensland Government 'to release state land for development' in the face of a land crisis. The government has said that 'the major impediment to having the land released was the pre-existing native title rights over the land' but it maintains that 'it would conduct its own negotiations with the claimants'. *Gladstone Observer* (Gladstone, 10 July 2007), 7; 'Land delays put bridge on back burner' *Gladstone Observer* (Gladstone, 12 July 2007), 5.

18 July 2007 QLD **Nickel mine in pipeline** AusNiCo, a nickel mining company have 'launched the first stage in applying for an exploration permit grant to search for nickel near Kalpowar.' The company has advertised its lease 'in case the area conflicts with any native title claims or any other land uses' said its CEO Ian Levy. *News Mail* (Bundaberg, 18 July 2007), 1.

18 July 2007 QLD **Indigenous Councils worse off under Labor amalgamation plan** Nationals Senator Ron Boswell has said that the 'Labor plan for amalgamation of the State's local councils' will be a disaster. Indigenous communities have not been consulted and 'Indigenous councils will likely be the hardest hit of all councils, primarily because of the land deeds issue' he said. The main issue is what will happen to Aboriginal community land held under a Deed of Grant in Trust by local Indigenous councils. *Western Sun* (Cunnamulla, 18 July 2007), 11.

23 July 2007 QLD **Plans to share mining bonanza** The Queensland Government and the Queensland Resources Council will sign a memorandum of understanding to improve access, training and opportunities for employment for Indigenous people. 'Mines will develop local agreements aimed at increasing Indigenous employment in the sector'. *Courier Mail* (Brisbane, 23 July

2007), 6; 'Rich lode of benefits for Aborigines' *Courier Mail* (Brisbane, 24 July 2007), 20.

24 July 2007 QLD **Beattie deal for homes on Cape** The Queensland Government has signed on to new arrangements in which 'Aboriginal communities on Queensland's Cape York will be able to offer 99-year leases on native title land to individuals, housing bodies and significant commercial developments'. Premier Peter Beattie 'said that local councils would still be able to control the purchase of houses and sale of the leases in local communities.' Yarrabah Mayor Vince Mundraby said this would give Aboriginal people home ownership and economic development. *Australian* (National, 24 July 2007), 1; 'Deal for better future' *Cairns Post* (Cairns, 24 July 2007), 8; 'School, homes link to Indigenous pact' *Northern Territory News* (Darwin, 24 July 2007), 9; 'Mines encourage Indigenous employment' *Blackwater Herald* (Blackwater, 24 July 2007), 5.

25-Jul-07 QLD **Eight communities work on turtle/dugong management project** There are traditional owners from eight Torres Strait communities that are involved in a turtle/dugong project which is coordinated by the Torres Strait Regional Authority Land and Sea Management Unit which will work with communities to develop 'community based management plans'. The program also 'allows...communities to get involved in dugong and turtle catch monitoring which is an essential tool to assist communities to make sure their management actions are having a positive effect'. *Torres News* (Thursday Island, 25 July, 2007), 24

25 July 2007 QLD **New database shares Aboriginal and Torres Strait Islander maritime history** The first online database 'solely on Aboriginal and Torres Strait Islander connections to the Great Barrier Reef' has been launched. *Story Place* 'contains around 1000 annotated references on books, reports and electronic resources that have been produced on topics relevant to Traditional Owner Groups over the last 100 years. *Western Cape Bulletin* (Weipa, 25 July 2007), 6.

27 July 2007 QLD **Native title decision brings joy to bush** A consent determination has recognised native title over a pastoral property 450km northwest of Cairns. The Strathgordon Station mob has been awarded exclusive rights to use and occupy the land 'and non-exclusive

rights to hunt, fish and gather from waterways'.

Traditional owners had obtained a lease over the area in 2000 after the station was purchased by the Indigenous Land Corporation. 'The consent determination adds to 36 others in Queensland, more than all the other states put together.' *Courier Mail* (Brisbane, 27 July 2007), 3; 'Native title over pastoral lease' *Cairns Post* (Cairns, 27 July 2007), 7; 'Native title over Cape York lease' *Coffs Coast Advocate* (Coffs Harbour, 27 July 2007), 10; 'Cape mob can see a future as land returned' *Australian* (National, 27 July 2007), 7; 'Land rights won' *Northern Daily Leader* (Tamworth, 27 July 2007), 9; 'Strathgordon Mob's native title victory' *Koori Mail* (National, 1 August 2007), 5; 'Native title recognised over Strathgordon pastoral lease' *Weipa* (Weipa, 1 August 2007), 4.

#### 03-Aug-07 QLD **Islanders fear identity will be swamped**

The residents of Ugar, Dauan and Sabai Island have lost their councils which will be merged into one council as a part of the State government's overhaul of councils. The representatives 'are angry at the Government's decision, saying it leaves unanswered questions over complex land tenure and cultural issues'. Chairwoman and Dauan Mayor Margaret Mau said that 'there were fears the islands would lose their identity if representation was diluted by immigration'. *Courier Mail* (Brisbane, 3 August 2007), 13.

08-Aug-07 QLD **\$3bn plan boosted** The Queensland Government has 'given a boost to a \$3 billion aluminium project, expected to create 2300 jobs during its construction in the Far North'. This 'gives the Queensland government a hand in coordinating decision making between the different levels of government'. An indigenous land use agreement 'with natives title holders and the Aurukun Shire Council has also been registered'. *Cairns Post* (Cairns, 8 August 2007), 25; 'Chalco set for action at Aurukun' *Courier Mail*, 8 August 2007, 40; 'Chalco project granted 'significant status' *Townsville Bulletin* (Townsville, 8 August 2007), 5; 'Boon to Aurukun mining project' *Western Cape Bulletin* (Weipa, 15 August 2007), 5; 'State backs bauxite project' *North Queensland Register* (Townsville, 16 August 2007), 11; 'Bauxite bid' *Koori Mail* (National, 29 August 2007), 30.

15-Aug-07 QLD **Wilderness Society says Premier's on the right track** The QLD State Government is funding a package for Cape York that 'includes the creation of 20

Indigenous Ranger positions and a land and sea management program'. The proposed amendments to the *Wild Rivers Act 2005* will also 'strengthen Indigenous involvement in the declaration and management of the rivers' according to Anthony Esposito from the Wilderness Society. *Western Cape Bulletin* (Weipa, 15 August 2007), 4.

16-Aug-07 QLD **Keen to explore: Uranium targets draw in new junior miners anxious to hit viable lode** A number of junior miners have expressed interest in exploring the North West region of Queensland. Metex resources are interested in exploring for uranium, in the Westmoreland area in the Gulf. The company's managing director Ian Walker said that 'the company was also in the final stages of getting exploration grants around Cloncurry and was in discussions with representative of the Mitakoodi people'. *Northwest Star* (Mount Isa, 16 August 2007), 1.

21-Aug-07 QLD **Vets win title to use park** An agreement has been reached between Vietnam war veterans and the Kalpowar Aboriginal Land Trust which is the first of its kind to give a 'non indigenous group use of the land which recognises the rights and responsibilities of the traditional owners'. The Indigenous Land Use Agreement was drawn up between the traditional owners and the State government in 2005 which 'led to the establishment of the Land Trust, which in turn paved the way for an agreement between the Trust and the Vietnam veterans'. *Townsville Bulletin* (Townsville, 21 August 2007), 6.

21-Aug-07 QLD **Ma:mu sign off on site** The Ma:Mu people have signed an Indigenous Land Use Agreement that 'allows a section of the Wooroonooran National Park to be used for tourism activities'. Traditional owner Dean Purcell said that 'there were times when we argued around the table and walked away but we came back and I'm very proud to be part of this'. An onsite meeting will be called to discuss the treatment of land to protect sensitive cultural land. *Innisfail Advocate* (Innisfail, 21 August 2007), 3.

21-Aug-07 QLD **Cadwell enviro friendly plan** The Giringun Aboriginal Corporation is 'taking the lead with ground breaking carbon credit offsetting scheme to be presented at the National Indigenous Land and Sea

Management Conference and Festival in October. One of the initiatives includes the installation of 2500 super efficient compact fluorescent lamps throughout the Cadwell region. Conference co-ordinator Joanne Keune said that the 'carbon offsetting scheme was another example of Girringun's commitment to involving the local Cardwell community in the lead up to the conference. *Herbert River Express* (Ingham, 21 August 2007), 5.

29-Aug-07 QLD **Big land squeeze** The Townsville region is facing population pressures 'and two of the major constraints in the Townsville region are topography and land ownership'. The expansion of residential development can also be constrained by issues such as mining leases, grazing leases and Native Title. *Townsville Bulletin* (Townsville, 29 August 2007), 25.

29-Aug-07 QLD **Agreement to help safeguard turtles** An ILUA has been signed between the Wuthathi people from Shelbourne Bay as well as traditional owners from Erubam Le of Darnley Island, the Ugarem Le of Stephen Island and Meriam Le of Murray Island with the State Government which will grant Raine Island with National Park (Scientific) status. The 'traditional owners will work with the Queensland Government to manage and conserve the island's values and they have agreed not to take any flora and fauna from the national park'. *Tablelands Advertiser* (Mareeba, 29 August 2007), 18.

## South Australia

4 July 2007 SA **Land grab fears for SA** The South Australian government is concerned that the Commonwealth is using 'housing funding to compromise Aboriginal land rights in remote communities.' SA Aboriginal Affairs Minister Jay Weatherill said that 'now it seems it is using its housing funding as a land grab in SA'. *Adelaide Advertiser* (Adelaide, 4 July 2007), 21; 'Denying cash raises abuse risk' *Australian* (National, 4 July 2007), 7.

4 July 2007 SA **Land negotiations could be made with wrong group** The Dingaman family of Port Augusta has claimed that BHP Billiton are dealing with the wrong traditional owners over land near the Olympic Dam. BHP

has met with the three competing claim groups to discuss the project. 'The Dingaman family has been fighting for recognition as the traditional owners of the land for more than 20 years.' *Port Augusta Transcontinental* (Port Augusta, 4 July 2007), 5; 'Land right issues raised' *Roxby Downs Sun* (Port Augusta, 5 July 2007), 5.

8 July 2007 SA **Land claim on home of our polities** Kauran Yerta Aboriginal Corporation co-chair Lynette Crocker requested Independent Member Bob Such 'to introduce legislation to provide compensation' to traditional owners because Parliament House 'was illegally built on Aboriginal land.' A similar claim was settled in Canada for \$28 million. The Attorney-General Michael Atkinson said the South Australian government 'does not propose to negotiate or pay the Kurna people compensation'. The government will begin negotiations 'over a broader native title claim over Adelaide and surrounding areas', excluding Parliament House 'where exclusive possession has previously and validly been granted.' *Sunday Mail Adelaide* (Adelaide, 8 July 2007), 112.

18 July 2007 SA **SA deal focus on heritage, culture** The South Australian Aboriginal Heritage Committee and the Congress of Native Title Management Committees 'have formally agreed to work together to protect and ensure recognition of Aboriginal interests in culture, heritage and native title.' The agreement has the support of the SA Government. *Koori Mail* (National, 18 July 2007), 6.

23 July 2007 SA **Mining week** Goldsearch has 'executed Exploration Deeds with custodians Anangu Pitjantjatjara Yankunytjatjara' over two tenements 'located within freehold Aboriginal land in the Musgrave region of South Australia'. Once approved, exploration will begin on the 'joint venture project with BHP Billiton and Independence Group.' *Australian* (National, 23 July 2007), 33.

01-Aug-07 SA **Big, bigger, biggest - the Olympic Dam Plan** South Australia has become second to Western Australia in mineral exploration. BHP Billiton's corporate affairs manager Richard Yeeles said that the company is targeting 'training employment, health and aged care and was looking to establish a trust as part of the native title agreements' in anticipation of the expansion of the Olympic Dam. *Paydirt* (National, August 2007), 19; 'Major

expansions signal boom times' *Mining Chronicle* (National, July 2007).

03-Aug-07 **SA Federal pledge to help SA in Lands problems** The Indigenous Affairs Minister Mal Brough has 'offered federal help for a drug and alcohol crackdown in South Australian Aboriginal lands'. Mr Brough said 'we've got to send a clear message to people and we need the as Government to pull its weight and do it as well'. SA Aboriginal Affairs Minister Jay Weatherill 'welcome[d] the federal offer but said the biggest issue that needed to be tackled was overcrowding'. Adelaide Advertiser (*Adelaide*, 3 August 2007), 14.

09-Aug-07 **SA River dredging gets under way** A 'streamlined dredging approval process continues to help some Murray Water users maintain access to their supply'. Some of the elements that have lead to this process include individual agreements between the Minister and Aboriginal communities to waive the usual period of notice under the NTA. *Stock Journal* (South Australia, 9 August 2007), 8.

21-Aug-07 **SA Aboriginal owner allow sand mining** Iluka Resources has reached an agreement in principle with the Far West Coast Native Title Management Committee over 'native title consent for development of the Jacinth Ambrosia and Tripitaka mineral sands in the Eucla Basin. *Adelaide Advertiser* (Adelaide, 21 August 2007), 38.

## Tasmania

10 July 2007 **TAS Hand back half land: Mansell** Tasmanian Aboriginal leader Michael Mansell has suggested a new land deal returning half of Australia to Aboriginal people. This would allow for self-determination and security of tenure for Aboriginal people. 'It simply means Aboriginal control over Aboriginal lives' he said. Mr Mansell suggested that Crown land in Tasmania's South-West and reserves could be returned. *Hobart Mercury* (Hobart, 10 July 2007), 10; 'Give us back half of Australia, says Mansell' *Burnie Advocate* (Burnie, 10 July 2007), 3; 'Aboriginal leader wants 50-50 split' *Courier Mail* (Brisbane, 10 July 2007), 15; 'Land split demand' *Adelaide Advertiser* (Adelaide, 10 July

2007), 12; 'Australia should be split: Mansell' *National Indigenous News* (Malua Bay, 12 July 2007), 11; 'Call to split Australia' *Territory Times* (Northern Territory, 13 July 2007), 7.

## Victoria

3 July 2007 **VIC Plant set to destroy Aboriginal heritage** The site chosen by the Victorian government for a desalination plant 'is a National Aboriginal Heritage Site' that could be home to burial sites. Bunurong Land Council senior cultural officer Steve Compton was disappointed that the government would build the plant without assessments. 'There is not much we can do legally' he said. *Great Southern Star* (Leongatha, 3 July 2007), 5; 'Indigenous group slams state's Act' *South Gippsland Sentinel Times* (17 July 2007), 7.

11 July 2007 **VIC Act protects Aboriginal cultural heritage** New Victorian legislation to protect Aboriginal cultural heritage will apply to most buildings and works, particularly around the Murray River and Barmah State Forest. Properties affected by the legislation will require owners 'to prepare cultural management plans.' Moira Shire Council Mayor Frank Malcolm said the plans will need to be 'signed off by the State Government before council can issue a planning permit.' Penalties apply for those who fail to meet the requirements. *Numurkah Leader* (Numurkah, 11 July 2007), 9.

26 July 2007 **VIC Heritage Grant** The Winda Mara Aboriginal Corporation has received \$80 000 from the Australian Government's Indigenous and Heritage Program for the 'protection and enhancement of its heritage'. This will involve a management plan to 'conserve national heritage values for existing and new places along the Budj Bim National Heritage listed landscape at Lake Condah'. *Hamilton Spectator* (Hamilton, 26 July 2007), 9.

## Western Australia

5 July 2007 WA **Aborigines welcome Japanese gas deal** Uunguu traditional owners have signed an agreement with Japanese gas exploration company Inpex in the Maret Islands 'which allows Inpex to occupy the tiny, uninhabited islands for geotechnical research'. The company proposes to build a large LNG processing facility but the plan 'has not yet received state or federal approval'. The agreement does not contain monetary or job commitments. *Australian* (National, 5 July 2007), 4.

5 July 2007 WA **Gas on the beach?** A new frontier area for oil and gas development is planned 'just three nautical miles off Cable Beach and extending north to Cape Leveque'. Tax concessions are being offered for exploration in the area. Conservationist Richard Costin is concerned about the future of the tourism industry. Ian Macfarlane, Federal Minister for Industry, Tourism and Resources said the industry contributes to jobs and revenue. 'Dampier Peninsula resident and tourism operator Kathleen Cox called for Indigenous people to be part of the dialogue process.' *Broome Advertiser* (Broome, 5 July 2007), 1.

12 July 2007 WA **WA Government to oversee gas projects** The WA government has made plans for 'a taskforce to co-ordinate the development of natural gas projects in the Kimberley region'. Lobby groups have requested 'a co-ordinated plan for gas projects to minimise environmental effects'. State Development Minister Eric Ripper has said that the government 'will resolve native title issues as part of the process and we aim to locate any hub on land where tenure has passed to the traditional owners and is subsequently leased back to the state'. *Sydney Morning Herald* (Sydney, 12 July 2007), 26.

18 July 2007 WA **Agreement signed in Native Title case** Ngadju native title claimants and the WA government have signed an agreement 'to negotiate an out-of-court settlement over about 103,000 square kilometres of land west of Norseman'. The notice of intent has been welcomed by the Goldfields Land and Sea Council. 'Ngadju claimant Les Schultz Jnr said the agreement was a great opportunity finally to settle a claim which had been before the court since 1995.' *Kalgoorlie Miner* (Kalgoorlie, 18 July 2007), 5; 'Out of Court Settlement is aim' *Golden Mail* (Kalgoorlie, 27 July 2007), 3.

19 July 2007 WA **Aerial search for diamonds in Kimberley** Paramount Mining Corporation 'is seeking approval from Native Title applicants for a ground-based work program at Napier later in 2007'. Meanwhile, the company will 'conduct a large aerial survey to identify prospective new diamond exploration targets in the Kimberley.' *Kimberley Echo* (Kununarra, 19 July 2007), 7.

20 July 2007 WA **Protesters continue campaign** 'Protesters against the Barrick Gold Cowal mine site' have occupied the company's head office in Perth, seeking 'a copy of the Cowal Gold Project Ancillary Deed between Barrick Australia Limited and the so-called 'Wiradjuri Condobolin Native Title Claim Group''. Wiradjuri elder Neville Williams said 'All the Wiradjuri with ties to Lake Cowal have a right to see the deed and the inventory, not just the five sell-outs who have signed away our ancient cultural heritage.' *West Wyalong Advocate* (West Wyalong, 20 July 2007), 5.

26 July 2007 WA **Human rights group targets troubled camp** The Swan Valley Noongar community has been fighting the West Australian Government on the closure of a campsite since 2003. The community claimed that the closure 'contravened the Racial Discrimination Act'. This was rejected by the Federal Court but the community has appealed against the decision. The Human Rights and Equal Opportunity Commission has applied to intervene in the matter. A spokeswoman has said that 'HREOC is of the view that the appeal raises a number of important issues of legal principle relating to the proper interpretation of the Racial Discrimination Act' but HREOC would not be making submissions on 'the appellants' native title interest in the reserve or the claims made of trespass and deprivation of property.' *Australian* (National, 26 July 2007), 6.

26 July 2007 WA **Uranium mining backed** Clinton Wolf, chief executive of the Western Desert Lands Aboriginal Corporation has told the Australian Uranium Conference that it supports the development of a uranium deposit on 'traditional Martu land, despite a government ban.' Land access agreements containing uranium mining provisions have already been drafted between Martu, its lawyers and industry. Mr Wolf said 'We've got freehold title over about two per cent of Australia, exclusive possession.....If we don't get up and help ourselves, well nobody else is going to basically.' *Kalgoorlie Miner* (Kalgoorlie, 26 July 2007), 17.



26 July 2007 WA **Heritage deal for Arc** In April this year, a 'final determination of native title over the Noonkanbah pastoral lease' was made. Now 'Arc Energy has signed a landmark heritage agreement with the Noonkanbah people which will pave the way for an aggressive oil and gas exploration program in the onshore Canning Basin in the Kimberley.' *West Australian* (Perth, 26 July 2007), 49.

26 July 2007 WA **Program aims for more Indigenous employment** A Work Ready program has been developed by Tiwest Cooljarloo mine and CY O'Connor TAFE in Moora 'as part of Tiwest's Native Title Agreement with the Yued people when they requested permission to mine another section of their land.' Participants who complete the program 'will be favourably considered for available positions within the Tiwest mine'. *Central Midlands & Coastal Advocate* (Moore, 26 July 2007), 1.

01-Aug-07 WA **Keeping Ngadju claim out of court** The West Australian Government and the Ngadju native title claimants from the southern Goldfields 'have signed an agreement to make a concerted effort over six months to negotiate an out-of-court settlement of the claim.' The 'statement of intent' signed in Perth by Deputy Premier Eric Ripper and claimant representatives commits both parties to 'not seek programming of the claim for trial in the Federal Court until the negotiations have ceased'. The claim area covers about 103 000 square kilometres 150 kilometres west of Norseman to Caiguna. *Koori Mail* (National, 1 August 2007), 29.

04-Aug-07 WA **Aboriginal anxiety on looming job losses** Lance MacDonald chairman of the Papunya community said that the 'abolition of the Community Development Employment Projects and this week's scrapping of the permit system will drive his community further into poverty and leave it vulnerable to grog and drug runners.'. He said that 'what is being forgotten in all the drama is that this our land, but we are no longer being recognised as the first Australian citizens'. Mr Macdonald said that with the removal of the permit system the community will no longer be able to protect its sacred sites. There has been strong criticism of the measures to remove CDEP since there have been no alternatives offered. There are also concerns that

removing the permit system will endanger local art industries by enabling tourists to potentially set up 'exploitative' relationships with artists. Warren Snowdon Member for Lingiari and Trish Crossin, NT senator said that 'reforms of CDEP must recognise its strengths as well as its weaknesses as a platform for job creation'. They said that 'CDEP should be used to move unemployed Aboriginal people from welfare to work through projects that benefit their communities. CDEP reforms should not be used to cut people's entitlements'. *Age* (Melbourne, 4 August 2007), 4; 'Culture caught in the crossfire' *Australian* (National 16 August 2007), 16; 'Snowdon - provide proper wages and conditions for people in public sector jobs funded by CDEP' *Alice Springs News* (Alice Springs, 9 August 2007), 15.

06-Aug-07 WA **WA's share of mineral exploration is slipping** Western Australia's share of Australia's mineral exploration expenditure 'continues to clump' according to the Association of Mining and Exploration Companies. Based on statistics released from the Australian Bureau of Statistics, Western Australia recorded a decline of 48.71 per cent. AMEC's policy and public affairs manager Ian Loftus said that 'unresolved Native title issues and uncertainty over land access because of shifting and increasingly unworkable, environmental goal posts are contributing to a decline in the State's attractiveness'. *Kalgoorlie Miner* (Kalgoorlie, 6 August 2007), 8.

23-Aug-07 WA **Signs of significance on show** Natural features along Crab Creek Road are being signposted 'thanks to the efforts of traditional owners and local environment groups'. The Signs have been installed by the Department of Environment and Conservation and includes information on 'accessing Roebuck Bay and native title land'. This is one of the projects in partnership with the Kimberley Land Council, Environs Kimberley and Rubibi traditional owners. *Boome Advertiser* (Broome, 23 August 2007), 8.

29-Aug-07 WA **Straits agreements with traditional land owners** The Gnulli and Thalanyji native title claimant groups in the Gascoyne and Exmouth Gulf regions have signed a negotiation protocol with Straits Salt Pty Ltd. This is a part of the Yannarie Solar Salt project 'and will provide significant opportunities for the social and economic development of the Gnulli and Thalanyji people and the wider community for many years to

come' according to project manager James Barrie. *Northern Guardian* (Carnarvon, 29 August 2007), 6.

30-Aug-07 WA **Agreement finally reached** The Mount Ridley Reserve will be 'protected for future generations after an historic agreement between the Esperance

Nyungar Aboriginal Corporation and the Esperance Shire'. This formalised a 'joint management arrangement for managing the reserve which has a deep cultural significance to the people of the region'. *Kalgoorlie Miner* (Kalgoorlie, 30 August 2007), 7.

## Applications Lodged with the Federal Court

DATE FILED	APPLICATION NAME	APPLICATION TYPE	STATUS	STATE/TERRITORY	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
2/07/2007	NSW Minister for Lands #12	Non-claimant application	Active	NSW	NN07/6 NN07/6	NSD1247/07
2/07/2007	Ossie Stewart	Non-claimant application	Active	NSW	NN07/5 NN07/5	NSD1246/07
23/07/2007	Ngiyampaa People (Mulga Creek)	Claimant application	Active	NSW	NC07/5 NC07/5	NSD1433/07
23/07/2007	Ngiyampaa People (Canbelego)	Claimant application	Active	NSW	NC07/4 NC07/4	NSD1434/07
30/07/2007	Darkinjung LALC #6	Non-claimant application	Active	NSW	NN07/7 NN07/7	1478/07
8/08/2007	Greater Hume Shire Council	Non-claimant application	Active	NSW	NN07/8 NN07/8	NSD1561/07
2/07/2007	NSW Minister for Lands #12	Non-claimant application	Active	NSW	NN07/6	NSD1247/07

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/applications/](http://www.nntt.gov.au/applications/) accessed 27 August 2007. For further information about native title applications contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

## Registration Test Decisions

DECISION DATE	APPLICATION DATE	APPLICATION NAME	STATE/TERR.	DECISION	NNTT FILE NO.	FEDERAL COURT FILE NO.
5/07/2007	29/03/2007	<a href="#">Kulkalgai People #2</a>	QLD	Accepted	QC07/3-1	QUD98/07
5/07/2007	29/03/2007	<a href="#">Kulkalgai People #2</a>	QLD	Accepted	QC07/3-1	QUD98/07
16/07/2007	20/02/2007	<a href="#">Budjiti People</a>	QLD	Accepted	QC07/2-1	QUD53/07
30/07/2007	2/11/2006	<a href="#">Boonthamurra People</a>	QLD	Accepted	QC06/15-2	QUD435/06
31/07/2007	6/09/2006	<a href="#">Archer Point</a>	QLD	Accepted	QC06/11-1	QUD352/06

		<a href="#">People</a>				
6/08/2007	21/11/2006	<a href="#">Melsonby (Gaarraay) People</a>	QLD	Accepted	QC06/17-1	QUD452/06
10/08/2007	29/04/2005	<a href="#">Kurnai</a>	VIC	Not Accepted	VC05/1-2	VID398/05
10/08/2007	25/04/2005	<a href="#">Kurnai</a>	VIC	Not Accepted	VC05/1-2	VID398/05
14/08/2007	20/04/1998	<a href="#">Birri People</a>	QLD	Accepted	QC98/12-3	QUD6244/98
15/08/2007	30/01/2007	<a href="#">Numbahjing Clan and related families within the Bundjalung Nation</a>	NSW	Not Accepted	NC07/1-1	NSD124/07
17/08/2007	23/08/2007	<a href="#">Yirendali People Core Country Claim</a>	QLD	Accepted	QC06/20-1	QUD495/06

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/cgi-bin/search/search.pl?dec\\_date=2007&col=registration&sorttype=dec\\_date&disp=true&list=dec\\_date](http://www.nntt.gov.au/cgi-bin/search/search.pl?dec_date=2007&col=registration&sorttype=dec_date&disp=true&list=dec_date) accessed 27 August 2007. For further information about Registration Test Decisions contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

## Applications Currently in Notification

NOTIFICATION CLOSING DATE	APPLICATION NAME	APPLICATION TYPE	DATE FILED	STATE/TERRITORY	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
3/10/2007	<a href="#">Johnson and Kendall Grange</a>	Non-claimant application	27/04/2007	NSW	NN07/3 NN07/3	NSD729/07
31/10/2007	<a href="#">Gregory &amp; Donna Pitman</a>	Non-claimant application	1/06/2007	NSW	NN07/4 NN07/4	NSD983/07
28/11/2007	<a href="#">Ossie Stewart</a>	Non-claimant application	2/07/2007	NSW	NN07/5 NN07/5	NSD1246/07

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/cgi-bin/search/search.pl?col=ntapplications&browse=notifications\\_current&sorttype=notification\\_closing\\_date](http://www.nntt.gov.au/cgi-bin/search/search.pl?col=ntapplications&browse=notifications_current&sorttype=notification_closing_date) accessed 27 August 2007. For further information about native title applications in notification contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

## ILUAs

TRIBUNAL FILE NO.	NAME (NNTT HYPERLINK)	TYPE	STATE/TERR.	REGISTRATION DATE	SUBJECT MATTER
NI2006/001	<a href="#">Githabul People ILUA</a>	Area agreement	NSW	15/8/2007	Access
QI2007/008	<a href="#">Enertrade - Kangoulu</a>	Area	QLD	14/8/2007	Pipeline

	<a href="#">COGP Agreement</a>	agreement			
QI2006/044	<a href="#">Raine Island National Park (Scientific) ILUA</a>	Area agreement	QLD	13/8/2007	Co-management
QI2007/010	<a href="#">Aurukun Bauxite Project (Feasibility Study) Agreement</a>	Body corporate agreement	QLD	06/8/2007	Access
QI2004/033	<a href="#">Dingo Beach ILUA</a>	Area agreement	QLD	31/8/2007	Consultation protocol
QI2005/021	<a href="#">Darumbal Area ILUA</a>	Area agreement	QLD	16/07/2007	Access
QI2006/053	<a href="#">Melsonby and State ILUA</a>	Area agreement	QLD	05/07/2007	Co-management
QI2006/054	<a href="#">Archer Point ILUA</a>	Area agreement	QLD	05/07/2007	Access

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/ilua/bydate\\_index.html](http://www.nntt.gov.au/ilua/bydate_index.html) accessed 27 August 2007 For further information about Indigenous Land Use Agreements contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

## Determinations

SHORT NAME	CASE NAME	DATE	STATE/TER R.	OUTCOME	LEGAL PROCESS
<a href="#">The Strathgordon Claim</a>	Timothy James Malachi on behalf of the Strathgordon Mob v State of Queensland [2007] FCA 1084	26/ 07/2007	QLD	Native title exists in the entire determination area	Consent determination

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/ntdetermination/bydate\\_index.html](http://www.nntt.gov.au/ntdetermination/bydate_index.html) accessed 27 August 2007. For further information about native title determinations contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://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 do not have a full citation because they are preliminary catalogue records.

The AIATSIS Library has begun digitising the reports of the Aboriginal Protection Board. All states will be covered eventually, but you can now see reports for NSW and Victoria on-line . Look under <http://www1.aiatsis.gov.au/exhibitions/protectors/protect>

[ors hm.html](#) . Also, *Provenance: the journal of Public Record Office Victoria*, is available on-line at <http://www.prov.vic.gov.au/provenance> .

The National Native Title Tribunal research report, Simpson Desert Regional Reserve and Conservation Park: South Australia, (compiled by Rita Farrell) has recently been catalogued by the AIATSIS Library.

Audiovisual material of interest to native title include Badimaya, Ngarlawangga, Wajarri and Warriyangka

language recordings IRRA-WANGGA\_01 (48 hours), and recordings from various Central Australian Aboriginal Media oral history series CAAMA\_20 (6 hours). Also, a large collection of black and white photographs of community activities and material culture from Aurukun from 1925-1965 taken by William Frederick MacKenzie (MACKENZIE.W2.BW) can be seen on the Perfect Pictures database in the AIATSIS Library.

### Anthropology

Weiner, James F., 'Anthropology vs. ethnography in Native Title: a review article in the context of Peter Sutton's Native Title in Australia.' *Asia Pacific Journal of Anthropology* vol.8, no.2 (June 2007), pp.[151]-168.

### Archaeology

Domett, Kate, Lynley Anne Wallis et al, 'Late Holocene human remains from northwest Queensland, Australia Australia: archaeology and palaeopathology.' *Archaeology in Oceania* vol.41, no.1 (April 2006), pp.25-36.

McNiven, Ian James, 'Dauan 4 and the emergence of ethnographically-known social arrangements across Torres Strait during the last 600-800 years.' *Australian Archaeology* no.62 (June 2006), p p.1-12.

Tacon, Paul et al, 'The beeswax rock art of the Northern Territory: direct dating results and a 'Book of Record.'" In *Rock Art Research* vol.21, no.2 (Nov. 2004), pp. 155-160.

Wallis, Lynley Anne. Woolgar Valley Aboriginal Corporation, *An overview of archaeological fieldwork in northwest Queensland, June 2006.* (report prepared for Woolgar Valley Aboriginal Corporation)

Watchman, Alan et al, 'Dating of rock images in Wardaman country, Northern Territory, Australia'. In *Rock Art Research* vol. 21, no.2 (Nov. 2004), pp. 173-182.

### Biography

Kruger, Alec and Gerard Waterford, *Alone on the soaks : the life and times of Alec Kruger.* Alice Springs, N.T. : IAD Press, c2007.

### Featured Publication

Customary Land Tenure and Registration in Australia and Papua New Guinea : Anthropological Perspectives. Edited by James F. Weiner and Katie Glaskin. ANU E Press (2007)

<http://epress.anu.edu.au/apem/customary/html/frames.php>

This volume, available on-line, is essential reading for all involved in the Native Title process. The forward, written by Lester Hiatt, states:

*I commend the essays in this volume to all concerned with the social and economic future of the Indigenous peoples of Australia and PNG. Combining professionalism with humanism, they seek to protect the land reforms of the late-twentieth century against over-zealous traditionalism as well as against a dissipation of cultural and natural resources in the name of modernism.*

Ross, Alexander Donald Pwerle and Terry Whitebeach, *The versatile man : the life and times of Don Ross, Kaytetye stockman.* Alice Springs, N.T. : IAD Press, 2007.

### Economics

Altman, Jon C. Australian National University. Centre for Aboriginal Economic Policy Research. 'In search of an outstations policy for Indigenous Australians [electronic resource] : opportunities, constraints and innovation'. CAEPR working paper (Online) no.34/2006.

Langton, Marcia et al, 'The 'Spirit' of the thing: the boundaries of Aboriginal economic relations at Australian common law.' *Australian Journal of Anthropology , Special Issue 18* vol.17, no.3 (2006), pp. [307]-321.

Tiplady, Tony et al, *Indigenous employment in the Australian minerals industry.* [Brisbane] : Centre for Social Responsibility in Mining, [2006].  
'Township leasing - unlocking the economic potential of Aboriginal land in the Northern Territory.' *Indigenous affairs information magazine*, [April 2007], p. 2.

### Government policy – Commonwealth and State

Calma, Tom, 'Government approach to Indigenous affairs seriously flawed'. 2007.

[http://www.hreoc.gov.au/media\\_releases/2007/40\\_07.html](http://www.hreoc.gov.au/media_releases/2007/40_07.html)

Maddison, Sarah, 'A decade of lost opportunities: the Howard government and Indigenous policy.' *Journal of*

Australian Indigenous Issues, vol. 9, no 12-3 (June – September 2006), pp. 5-26.

South Australia. Dept. of the Premier and Cabinet, Aboriginal Affairs and Reconciliation Division *Government Initiatives on APY Lands*. S. Aust. ; Government of South Australia Department of the Premier and Cabinet, 2005.  
[http://www.premcab.sa.gov.au/dpc/publications\\_apy\\_lands.htm](http://www.premcab.sa.gov.au/dpc/publications_apy_lands.htm)

Robbins, Jane, 'Policy, populism and public opinion: Indigenous issues in the Howard decade'. *Journal of Australian Indigenous Issues*, vol. 9, no. 12-3 (June - Sept. 2006), pp. 71-91.

### History – trade, exploration and accounts

Allen, Harry, *The anthropology and art of the Philosophical Institute of Victoria's expedition to the Lower Darling and the Murray River, 1856-57*. (report) Access after May 2008.

Cahir, David A. (Fred), 'Dallong - possum skin rugs: a study of an inter-cultural trade item in Victoria'. *Provenance: the journal of Public Record Office Victoria*, no. 4 (Sept. 2005.)  
<http://www.prov.vic.gov.au/provenance/no4/Dallong1.asp>.

Johnson, Dianne D., *Sacred waters : the story of the Blue Mountains Gully Aboriginal [in collaboration with the residents of the Gully and their descendants.]* Rushcutters Bay, N.S.W. : Halstead Press, 2006.

Mjöberg, Eric, [Journals and notes] (1910-1931)

Nugent, Maria, 'Historical encounters: Aboriginal testimony and colonial forms of commemoration.' *Aboriginal History*, vol. 30 (2006), pp [33]-47.

### Human rights

Australia. Human Rights and Equal Opportunity Commission. Calma, Tom, *Native title report 2006 / Aboriginal and Torres Strait Islander Social Justice Commissioner*.  
[http://www.hreoc.gov.au/Social\\_Justice/nt\\_reports.html](http://www.hreoc.gov.au/Social_Justice/nt_reports.html)

### Identity

Atkinson, Wayne, 'Constructing Indigenous identity through Western eyes: the Yorta Yorta case.' *In Journal of Australian Indigenous Issues*, vol. 9, no. 12-3 (June - Sept. 2006), pp. 25-37.

Atkinson, Wayne R., Yorta Yorta occupation & 'the search for common ground.' *Proceedings of the Royal Society of Victoria* vol.117, no.1 (June 2005), pp.1-22.

Malezer, Les et al, 'Our land, our identity, our freedom: a roundtable discussion'. *Cultural Survival Quarterly*: vol. 31, no. 1 (Spring 2007), pp. 24-27.

Smith, B. R. (Benjamin Richard), 'More than love': locality and affects of Indigeneity in Northern Queensland.' *Asia Pacific Journal of Anthropology* vol. 7, no.3 (Dec. 2006), pp. [221]-235.

### Indexes, directories and guides

Australian Bureau of Statistics, *ABS directions in Australia's Aboriginal and Torres Strait Islander statistics, Australia, June 2007*. [Canberra] : Australian Bureau of Statistics, c2007.

Ipswich (Qld.). Council. Community Planning and Development Branch and Australian Bureau of Statistics. *Ipswich Indigenous Australian profile : incorporating data from the 2001 Census of Population and Housing, Australian Bureau of Statistics*. [Ipswich, Qld.] : Ipswich City Council, 2006.

Murray, Ian, *Aboriginal corporations, communities and out-stations*. Carlisle, WA : Hesperian Press, 2006.  
NOTE: Listing of all Aboriginal communities in Western Australia past and present; includes Indigenous name for the community; alternative names; map grid references; latitude and longitude; brief information on history and languages spoken

### Indigenous rights: Overseas

Couzos, Sophia and Dea Delaney Thiele, 'The International Covenant on Economic, Social and Cultural Rights and the right to health: is Australia meeting its obligations to Aboriginal peoples?' *Medical Journal of Australia* vol. 186, no.10 (May 2007), pp. 522-524.

Dorsett, Shaunnagh, 'Aboriginal rights in the offshore: Maori customary rights under the Foreshore and Seabed Act 2004 (NZ)'. *Griffith Law Review*, vol. 15, no. 1 (2006), p. [74]-110.

Mickler, Steve, 'Conflicting narratives: First Nations in the Vancouver Press: a comparative study with the Perth press, part one, 1960.' *Journal of Australian Indigenous Issues*, vol. 9, no. 12-3 (June - Sept. 2006), pp. 39-57.

Mickler, Steve, 'Disintegrating verities: First Nations in the Vancouver press: a comparative study with the Perth press, part two, 1965-1970.' *Journal of Australian Indigenous Issues*, vol. 10, no. 1 (March 2007), p. 21-42.

Murray, Morgan, 'Back to mine: the struggle for Aboriginal self-governance in the Great White North.' *Journal of Australian Indigenous Issues*, vol. 10, no. 1 (March 2007), pp. 43-56

### Intellectual property

Christen, Kimberly A., 'Gone digital : Aboriginal remix and the cultural commons.' *International journal of cultural property*, vol. 12 (2005) pp315-345.

Janke, Terri, *Looking out for culture : a guide to protecting Indigenous Australia culture*. (2004)

Rentschler, Ruth, Deakin University. Centre for Leisure Management Research, *Aboriginal art market : intellectual property case studies project*. (available 31/1/2008)

### Land acquisition and land management

Allen, Lindy and Lola Greeno, 'The South-East: the importance of place and 'tradition' in Indigenous fibre work from south-eastern Australia'. In Parkes, Brian (ed.) *Woven forms: contemporary basketmaking in Australia*. Surry Hills, New South Wales : Australian Centre for Craft and Design, 2005, pp. 16-21.

Australian Museum, *Collection Snapshots [electronic resource] : Aboriginal Subsistence Strategies in Arid Australia*. Sydney : Australian Museum, 2004.

<http://www.amonline.net.au/snapshots/arid/index.htm>  
'Empowerment through land ownership.' *Land matters*, no. 10 (March 2000), p. 3.  
<http://www.ilc.gov.au/webdata/resources/files/LM10.pdf>

Hughes, Helen and Centre for Independent Studies (Australia), *Lands of shame : Aboriginal and Torres Strait Islander 'homelands' in transition*. St Leonards, N.S.W. : Centre for Independent Studies, c2007.

Mahood, Kim, 'Mapping outside the square: cultural mapping in the south-east Kimberley.' *Archaeology in Oceania* vol.41, no.1 (April 2006), pp.25-36.

Murphy, Brett P. and David Bowman, *The interdependence of fire, grass, kangaroos and Australian Aborigines : a case study from central Arnhem Land, northern Australia*. (revised manuscript for Journal of Biogeography) 2006.

### Land rights

Charlesworth, Max, *The Aboriginal land rights movement*. Richmond, Vic. : Hodja Educational Resources Cooperative, 1984

Watson, Nicole, 'Implications of land rights reform for Indigenous health.' *Medical Journal of Australia* vol. 186, no. 10 (May 2007), pp. 534-536.

### Languages

Steele, Jeremy Macdonald and Macquarie University. Dept. of Indigenous Studies - Warawara *The Aboriginal language of Sydney : a partial reconstruction of the Indigenous language of Sydney based on the note books of William Dawes of 1790-91, informed by other records of the Sydney and surrounding languages to c.1905*. Thesis (Master of Arts (Research) - Macquarie University, Sydney, 2005.

### Legal issues

Connors, Libby, 'Traditional law and Indigenous resistance at Moreton Bay 1842-1855.' *Australia & New Zealand law & history e-journal* 2005.  
[http://www.anzlhsejournal.auckland.ac.nz/Refereed%20Papers\\_1.htm](http://www.anzlhsejournal.auckland.ac.nz/Refereed%20Papers_1.htm) .

Patton, Barry, "'Unequal justice': colonial law and the shooting of Jim Crow." *Provenance: the journal of Public Records Office Victoria*, no 5 (Sept 2006).  
<http://www.prov.vic.gov.au/provenance> .

Robson, Stephen William and Murdoch University. Division of Arts., *Rethinking Mabo as a clash of constitutional languages*. Thesis (Ph.D.)--Murdoch University, 2006.

### Native Title cases

Cherrington, Mark, 'Aborigines win ownership of Perth.' *Cultural Survival Quarterly* vol. 30, no. 4 (Winter 2006), pp. 3-4.

### Native Title procedures

Queensland. Dept. of Natural Resources, Mines and Water., *Guidelines for negotiation of an Indigenous land use agreement (area agreement)*. Brisbane : Dept. of Natural Resources, Mines and Water, 2006.

### Procedures and protocols – Archives and Libraries

Jackson, Melissa, 'Culture knowledge future: 5th

International Indigenous Librarians Forum 4-7 June 2007, Brisbane.' *Incite* vol. 28, no. 4 (April 2007), p. 15.

#### Self government, self determination

Bradfield, Jane, et al, *Aboriginal and Local Government Participation Project : project evaluation report* [NSW] / Jane Bradfield with Paul van Reyk. [Lindfield, N.S.W. : CACOM], 1992.

Renkin, Peter F.B., *From segregated institution to self managed community : the contribution of community social work practice towards Aboriginal self management at Lake Tyers/Bung Yarnda Victoria*. Thesis (Ph.D.)--University of Melbourne, School of Social Work, Faculty of Arts, Centre for Health and Society-School of Population Health, Faculty of Medicine, Dentistry and Health Sciences, 2006.

#### Stolen generations

Cassidy, Julie, 'The best interests of the child: the stolen generations in Canada and Australia.' *Journal of Australian Indigenous Issues*, vol. 10, no. 1 (March 2007), pp. 43-56.

Human Rights and Equal Opportunity Commission (Australia), 'Bringing them home [electronic resource] : learning about the National Inquiry into the Separation of Aboriginal and Torres Strait Islander children from their families.' Sydney : Human Rights and Equal Opportunity Commission, 2003.

<http://www.hreoc.gov.au/education/bth/index.htm>

#### 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, 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](mailto:ntru@aiatsis.gov.au) and you will be helping us provide a better service. Electronic subscription will replace the postal service. Please include your postal address so we can cross check our records. The same service is also available for the Issues Papers series.

#### THE NATIVE TITLE RESEARCH UNIT

---

AIATSIS acknowledges the funding support of the Land Branch of the Department of Families, Community Services and Indigenous Affairs (FaCSIA).

For previous editions of this Newsletter, click on the Native Title Research Unit link at [www.aiatsis.gov.au](http://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](mailto:ntru@aiatsis.gov.au)