Native Title Newsletter

July / August, No. 4/2011

WHAT'S NEW

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If you have any questions or concerns, please contact Matt O'Rourke at the Native Title Research Unit on (02) 6246 1158 or morourke@aiatsis.gov.au

CONTENTS

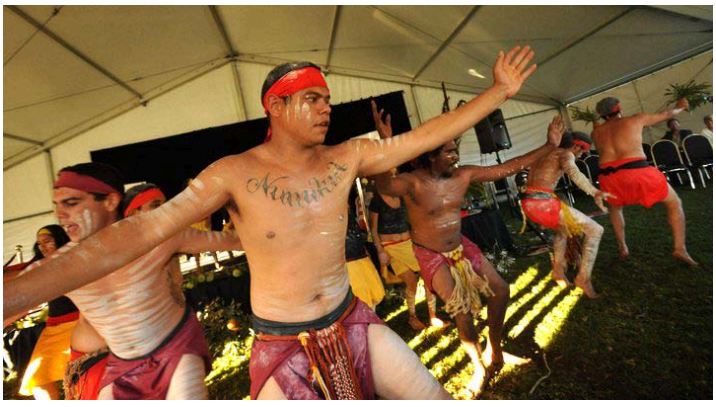
Quandamooka Native Title Determination

Matthew O'Rourke and Valerie Cooms, AIATSIS

At Dunwich Hall, on 4 July 2011, after a sixteen year struggle for recognition, the Federal Court of Australia made two native title consent determinations recognising the Quandamooka people's native title rights and interests over land and waters on and surrounding North Stradbroke Island. The first claim (Quandamooka People #1 (QUD6010/1988)) commenced in 1995 and was accepted for registration by the National Native Tribunal (NNTT) on 11 October 2000 and the second (Quandamooka People #2 (QUD6024/1999)) commenced in 1999 and was accepted for registration on 14 June 2000. The second claim was initiated to include parcels of land that were missed in the first claim.

In March 2010, the State of Queensland accepted connection evidence of the Quandamooka people. This act allowed for the determinations of native title to be made by consent, without the need for trial. The Australian legal system now acknowledges the Quandamooka people's rights to camp, hunt, fish and gather in accordance with their traditional laws and customs. Quandamooka people now have legal entitlements to live and conduct traditional ceremonies; take, use, share and exchange traditional natural resources; conduct burial rites, teach about the physical and spiritual attributes of the area; and maintain areas of significance.

The determinations recognise exclusive native title rights over 2,264ha of land; non-exclusive native title rights and interests over approximately 22,639ha of land including the majority of North Stradbroke Island, Peel Island, Goat Island, Bird Island, Stingaree Island, Crab Island, as well as approximately 29500ha of the Moreton Bay Marine Park area.



Nunukal Aboriginal Dancers perform at the celebrations. Photo: Paul Dunn

Standing room only at Dunwich Hall. Photo: Paul Dunn

The day marked the end of extensive negotiations between the Quandamooka people, the Queensland government, Queensland South Native Title Services (QSNTS), the Commonwealth of Australia, Redland City Council, Brisbane City Council, Sibelco Australia Limited and other parties with interests in infrastructure, fishing, and tourism on Stradbroke Island. As part of the native title process, the Quandamooka people have entered into Indigenous land use agreements with the Queensland State government and Redland City Council. These ILUAs were ratified through the Quandamooka consent determinations. The Quandamooka people and the Queensland State government have also entered into an Indigenous Management Agreement which provides for joint management by the parties of the national parks on and around North Stradbroke Island. These management agreements will be registration-tested by the NNTT and will come into effect in late 2011. The agreements will provide the Quandamooka people with an opportunity to own land as well as participate in the management of their traditional country.

A loud cheer erupted when the Court documents were finally signed in Dunwich Hall. All participants then made their way to Dunwich Oval where celebrations took place. The applicant for the two native title claims, Ian Delaney, was assisted by the Quandamooka Family Representatives Steering Committee throughout the determination process, said the decision brought him great joy and relief.

'It's been hard sometimes, but I just want to give recognition to our elders who have gone before us, not only the elders but the young ones too. I wish they were here today. When I heard everyone sing out down there after the Justice signed the paper, it made me think and it nearly brought a tear to my eye. I'm a bit emotional', he said.

QSNTS chief executive Kevin Smith acknowledged the hard work involved gaining recognition so close to a major capital city. 'The strength of the traditional laws and customs of the Quandamooka people to survive the colonisation process on the doorstep of a capital city is a testament to these people', Mr Smith said. 'This historic breakthrough stands as a powerful example that positive native title outcomes can be achieved in developed areas other than remote and regional Australia. This should hearten all native title claimants wherever their traditional country is located in Australia', he said.

Sands through the hands ceremony - Queensland Premier Anna Bligh, Quandamooka native title claims applicant Ian Delaney and Queensland South Native Title Services CEO Kevin Smith. Photo: Paul Dunn

Attending the celebration, the Queensland Premier Anna Bligh acknowledged that 'the Quandamooka people have cared for country around these areas for thousands of years – and their long and enduring connection with the land and sea of North Stradbroke Island has finally been recognised. Today is not just the end of a great struggle, today is also the beginning of a great opportunity. I think here in the part of the world, from this day forward, the 4th of July, will be known as the day on which the Federal Court of Australia applied the laws of our nation, recognised and determined that this land, is, always has been and always will be Quandamooka land'.

Quandamooka Yoolooburrabee Aboriginal Corporation

As a result of the determinations, the Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) has been established as the prescribed body corporate (PBC) under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006,* to manage and protect native title rights on behalf of all native title holders. The QYAC met the day after the determinations, 5 July 2011. At this meeting the interim board members nominated Dean Parkin as the interim Chair. This board will serve until the first General Meeting on 1 October 2011.

The interim board has been extremely busy in its first two months of operation. Tasks include informing all State departments and agencies of the determinations and the PBC, setting up a corporation bank account (not as easy as it sounds), calling for and approving memberships before the upcoming general meeting, being asked to endorse activities on land, being involved in the Stradbroke Island economic transition taskforce where a discussion on the future economic development on the island took place, lots of meetings with State representatives, and the implementation and management of Indigenous land use agreements (ILUAs).

Interim Director of the QYAC Valerie Cooms stated 'Our board has a mixture of elders, lawyers, economists, and business people. This gives us good mix of cultural and professional knowledge. Even with this diversity we are working really hard to deal with the large amount of work. We were lucky to have such a great pool of people amongst our directors'. Ms. Cooms highlighted the responsibility faced by the directors of the QYAC. 'These are very interesting days. It's a huge learning process for all involved. We have realised that to have your native title determined is not an end point, but a new starting point of a lot of hard work and responsibility', she said.

Ms Cooms also stated that she was looking forward to the Queensland regional PBC meeting in Cairns from 25 to 27 October 2011. 'It's a perfect time for us to learn from and share ideas other PBCs in the State, and to engage with government departments and programs that are relevant to the management of Quandamooka lands', she said.

Joint Management Workshop at the 2011 National Native Title Conference: 'What helps? What harms?'

Claire Stacey, Research Assistant, AIATSIS

Joint management involves negotiations between native title holders and Commonwealth, State and Territory governments for agreements over national parks and other conservation or protected areas, and has become a major component of native title agreement-making. The Native Title Research Unit (NTRU) coordinated a joint management workshop, as part of the National Native Title Conference held in Brisbane on 1 to 3 June 2011.

Workshop panellists, specialist participants and attendees in small group discussions at the 2011 Native Title Conference.
Photo: Matthew O'Rourke

The workshop brought together traditional owners currently engaged in joint management, with their State and Territory government counterparts. One of the key objectives of the workshop was to inform a NTRU Discussion Paper which is being co-written by Toni Bauman and Chris Haynes around a national principled framework for joint management in Australia and the need for a community of joint management practice.

In the first part of the workshop traditional owners and government speakers from southern Queensland, Cape York, the Northern Territory and Victoria shared a range of experiences of joint management, highlighting issues across and within State and Territory jurisdictions. Natasha Stacey and Arturo Izurieta, from Charles Darwin University, also provided a summary of the Charles Darwin University indicators of joint management they had developed in consultation with native title holders in the Northern Territory (http://www.cdu.edu.au/ser/MandEofJointManagement.htm).

The key point that was reiterated throughout the discussions was the need for a level playing field in negotiating and implementing joint management agreements. Ideas for achieving this included: investing in dedicated resources and long term bipartisan fiscal arrangements to realise the agreements that emerge from joint management; creating a national community of effective practice in joint management ranger training, including applying cultural competency standards in training for non-Indigenous rangers; expanding Indigenous Protected Area (IPA) policy to make it possible to have IPAs in association with joint management over national parks; and support for a national evaluation approach to joint management, allowing for State and Territory differences. The discussion also focused on a greater recognition of the role joint management plays in realizing native title rights, as well as supporting caring for country activities which have known social, health and economic benefits for Aboriginal and Torres Strait Islander people, supporting the objectives of programs such as the Federal government's *Closing the Gap* initiative.

In the second part of the workshop small group discussions were held using a talking paper and focused on the themes of 'What harms?' and 'What helps?' in joint management. Discussions also looked at what can be done better and suggestions for what to include in national principles of effective joint management practice. The workshop generated ideas for future joint management workshops, and an email network of workshop participants has been established. A report of workshop outcomes has been circulated and can also be found on the joint management project page on the NTRU website, along with further workshop papers, publications and project information. (http://www.aiatsis.gov.au/ntru/jointmanagement.html).

If you wish to join the email network please contact Claire Stacey at the NTRU, claire.stacey@aiatsis.gov.au

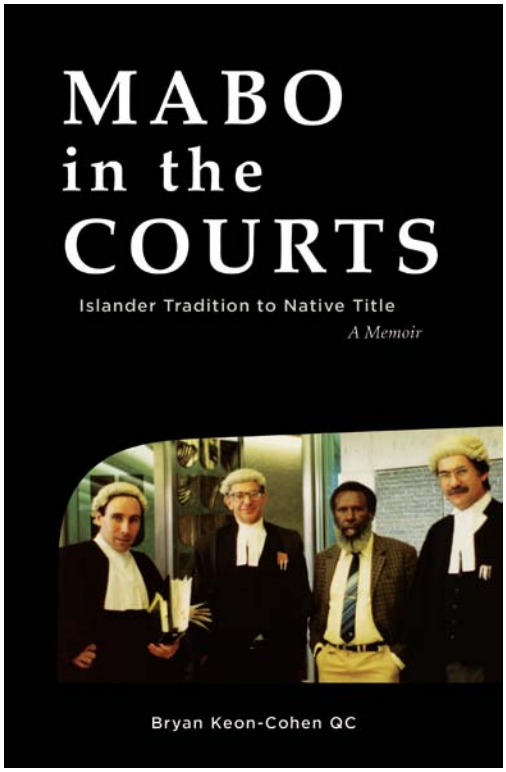
An extract from *Mabo in the Courts: Islander Tradition to Native Title: A Memoir*

Bryan Keon-Cohen QC

Much has been written about the *Mabo* cases since 1992. This ever-expanding body of literature embraces many disciplines and fields: law, anthropology, history, linguistics, politics, film-making, race-relations, and so on. *Mabo in the Courts* is, however, a personal account, a memoir intended for the general reader.

I record things that happened to me, and events that occurred, from my point of view. I include anecdotes, assessments and incidents from both in and out of court. Parts of the story deals inevitably with legal issues and analysis, and court procedures.

In one sense, this book is about a law case concerning rights to property: no more and no less. Scores of such cases dealing with the vexed question of Indigenous land rights have been heard in the common-law courts of the former British Empire. From the Indigenous perspective, some of these cases were won, some lost. *Mabo* was the first to succeed in Australia, though not the first of its type in this country. *Mabo* built upon the *Gove Case* of 1971 – a legal failure, but a pioneering endeavour which was not appealed to the High Court.



Cover of *Mabo in the Courts: Island Tradition to Native Title: a memoir.* Picture provided by Australian Scholarly Publishing

Twenty years after the *Gove Case*, the times, composition of the High Court, and key players had changed, but not the central issue. At the time of writing, another twenty years further on, the pendulum seems to have swung again: all the way back to the political denials and conservative judicial philosophies – at least on this issue in the High Court. These High Court developments during the 1980s and 1990s, and other post-*Mabo* developments, are mentioned briefly… The book is also about a significant event in the life of the nation, and the nation's painfully achieved, and sadly inadequate, response. The event – the successful outcome delivered in two judgments of the High Court in 1988 *Mabo (No 1)* and 1992 *Mabo (No 2*) – created a real opportunity for the community through its elected representatives, and those who lead, or manipulate, public opinion, to right a wrong: to introduce a just scheme to recognise, on a non-racially discriminatory basis, this ancient, but now legally enforceable, property right. In my view, the nation has so far squandered this opportunity, though some advances have been achieved through the enactment of the *Native Title Act 1993.*

The search for justice provided a simple, compelling motivation for the plaintiffs' legal team throughout the *Mabo* litigation; similarly for this book. This motivation is easily comprehensible by most, but some had other motives and took different stances, especially in Queensland and on Murray Island. These too are mentioned. In a test case such as this, with issues of national significance at stake, people with vested interests who oppose or support the cause can take various stands. Some when under pressure can react in strange and unexpected ways; others, ever predictable, never abandon their comfort-zone, which can sometimes include bigotry and ugly racism. While events open to all of these characterisations are mentioned, many are not. I take the view that the full history cannot yet be told.

The quest for Indigenous justice in this country continues on many fronts. Twenty years on, opposition to *Mabo* and the native title reforms triggered by this case still festers.

A special deal for NTRU publications subscribers:
When you order the *Mabo in the Courts: Islander Tradition to Native Title: a Memoir* via email at **enquiry@scholarly.info** use the subject heading 'NTRU Order'. You will only pay the launch price of $69.95 (incl postage). This book normally retails at $88.95 (exclusive of postage).

QLD Regional PBC Meeting

The Native Title Research Unit at AIATSIS is organising a series of regional PBC meetings designed to create an opportunity for native title holders to share ideas with each other and engage with government departments and programs that are relevant to the management of native title lands.

The next workshop is scheduled to be held in **Cairns from 25-27 October 2011.** It will involve Queensland native title holding groups, representing over 20 native title determinations. The Queensland PBC meeting will look at issues such as PBC economic development needs and opportunities, funding opportunities and strategic planning.

For more information on the workshops please contact Matt O'Rourke on (02) 6246 1158 or at morourke@aiatsis.gov.au

What's New

Recent Cases

***Barunga v State of Western Australia (No 2)* [2011] FCA 755**
25 May 2011
Federal Court of Australia, Perth WA
Gilmour J
This was an application before Gilmour J to join eight members of the Mayala native title claim group as respondents to the present application by the Dambimangari people. The Mayala individuals asserted that the boundary between the Dambimangari claim and the Mayala claim is in the wrong place, and that some of the land and waters in the Dambimangari claim area should instead be in the Mayala claim area. Gilmour J found that the Court had the power under s.84(5) of the *Native Title Act 1993* (Cth) to join the eight individuals, but declined to do so.

Gilmour J emphasised that the eight Mayala individuals do not speak for the Mayala claim group, and represent only a small minority. His Honour found that the boundary lines asserted by them are at odds with the boundary lines agreed at several previous meetings, and with the boundaries claimed in the Mayala native title application. His Honour considered detailed facts about the conduct of various meetings involving Mayala and Dambimangari claim groups, and concluded that there was an arguable case, though not a strong one, that the interests of the eight Mayala individuals may be affected by a determination in the proceedings. His Honour noted that while the Mayala individuals were not authorised to speak for the Mayala claim group, they nevertheless assert that it is not just themselves individually who are the traditional owners of the disputed area, but the entire Mayala people. Accordingly, it was always open to them to seek to persuade the body of the Mayala native title claim group as a whole to their point of view as to the disputed boundary. There is no evidence that their views are supported by the Mayala claim group as a whole. It was also open to seek to convince the named applicants to file a new application over the larger area, or to authorise the substitution of new named applicants who would be willing to file a new application. Yet they did not do any of these things. Gilmour J also noted that the eight Mayala individuals had ample opportunity over the last two years to apply to become respondents, and yet had only done so some two weeks before the consent determination was set down for judgment.

***Smith v Marapikurrinya Pty Ltd (No 2)* [2011] FCA 733**
28 June 2011
Federal Court of Australia, Perth WA
Gilmour J
In this judgment, Gilmour J dismissed an application by six Aboriginal applicants (three of whom are members of the claimant group in the Kariyarra Peoples Native Title Claim WAD 6169 of 1998) who sought a declaration that Marapikurrinya Pty Ltd and its directors do not have and have not previously had authority to act for or on behalf of the applicants in relation to any matters.

The background to this application is the arrangements and agreements between Marapikurrinya Pty Ltd and both Fortescue Metals Group Ltd and BHP Billiton Iron Ore Ltd, in relation to heritage surveys. The applicants alleged that Marapikurrinya Pty Ltd had made these arrangements on the false basis that they were authorised to represent the 'Kariyarra People'. Their application failed for two reasons. First, there was uncontradicted evidence that the agreements and arrangements between Marapikurrinya Pty Ltd and the mining companies were expressly authorised by the legal representative of the Kariyarra Native Title Claim Group. Second, the applicants themselves were not authorised by the Kariyarra people to sue

on their behalf. Instead, they could only sue in their individual capacities, and there was no suggestion that Marapikurrinya Pty Ltd had ever claimed to be acting on behalf of those individuals. Therefore there was no 'justiciable controversy' (question for the Court) between the applicants and Marapikurrinya Pty Ltd or its directors.

***Prior on behalf of the Juru (Cape Upstart) People v State of Queensland* [2011] FCA 783**
4 July 2011
Federal Court of Australia, Sydney NSW (via video link to Brisbane QLD)
Rares J
***Prior on behalf of the Juru (Cape Upstart) People v State of Queensland (No 2) [2011]* FCA 819**
26 July 2011
Federal Court of Australia, Bowen QLD
Rares J
The first of these judgments relates to a change to the name of the people on behalf of whom the native title application was being made – from 'Birri-Gubba' to 'Juru'. This change was made because of some confusion about the proper definition for the broader society as opposed to the smaller land-holding group. Dr Sandra Pannell gave evidence to the effect that 'Birri-Gubba' properly referred to the larger society of which 'Juru' were a sub-group.

The second judgment is the consent determination recognising the native title held by the Juru people over the Cape Upstart area in Queensland. The determination was made by Rares J at Bowen on 26 July 2011. Rares J stated that in order to make a consent determination, he must be satisfied that there is sufficient evidence before him that would make it appropriate to do so. He recognised that it was not necessary to tender evidence as if the consent proceedings were still contested, but cited French CJ's remarks in maintaining that the Court must be reassured that the agreement is 'rooted in reality'. He said that the evidence must show that the orders have a 'substantive and real foundation', and considered that the anthropological evidence in the connection report was relevant to this question. Rares J also considered whether the State of Queensland, as representative of the community generally, had played an active role in carefully evaluating the material and evidence on which its consent is based.

The determination recognised non-exclusive rights to access and camp on the determination area; hunt, fish and gather natural resources for personal, domestic and non-commercial communal purposes; take, use share and exchange natural resources for personal, domestic and non-commercial communal purposes; take and use water for personal, domestic and non-commercial communal purposes; conduct ceremonies and carry out cultural activities; being buried in the ground after death; maintain and protect significant areas; teach; and hold meetings.

***Jungarrayi on behalf of the Mirtartu, Warupunju, Arrawajin and Tijampara Landholding Groups v Northern Territory of Australia* [2011] FCA 766**
14 July 2011
Federal Court of Australia, Injaridjin Waterhole NT
Reeves J
This consent determination by Reeves J was made at Injaridjin Waterhole in the Northern Territory. The determination related to an area of land covered by a pastoral lease known as Kurundi Station. The application was made by four land-holding groups together: the Mirtartu, Warupunju, Arrawajin and Tijampara. The applicants had reached agreement with the Northern Territory and the holders of the pastoral lease, Mr and Mrs Saint. Reeves J took note of the fact that all of the parties were legally represented and that the Northern Territory government, acting on behalf of the community generally, had played an active role in negotiations and, having conducted a thorough assessment process, was satisfied that the determination was justified in all the circumstances. Accordingly, his Honour found that there was free and informed consent between the parties and therefore that it was appropriate to make the consent determination.

The rights and interests specified in the order covered access; residence; hunting, gathering and fishing; taking and using natural resources and water; lighting fires for domestic purposes (but not for clearing vegetation); access, maintenance and protection of important sites; conducting ceremonies, cultural activities, meetings, teaching (with a qualified right to privacy); making decisions about the use and enjoyment of the land and waters by Aboriginal people who recognise themselves as governed by traditional law and custom; sharing or exchanging natural resources including traditional items made from the natural resources; and being accompanied by non-native title holders under some circumstances. The determination specified that the applicants do not have native title rights to minerals or petroleum. The orders specified that the native title is not to be held on trust and that an Aboriginal corporation is to be nominated within 12 months to be the prescribed body corporate.

***Lovett on behalf of the Gunditjmara People v State of Victoria (No 4)* [2011] FCA 931**
19 July 2011
Federal Court of Australia, Melbourne VIC
North J
These orders amend the Gunditjmara People's Part A determination of 30 March 2007. The native title holders and the State consented to the amendment of the schedules of the determination which detail the parcels of land affected by the determination. The Court elected to make the variations under O 35 r 7 of the Federal Court Rules, based on mistake and by consent, rather than relying on s. 13(1)(B) of the *Native Title Act 1993* (Cth), which would have required full notification to respondents.

***Lovett on behalf of the Gunditjmara People v State of Victoria (No 3)* [2011] FCA 867**
19 July 2011
Federal Court of Australia, Melbourne VIC
North J
North J made orders allowing the Gunditjmara people to file an Amended Application for Determination of Native Title to amend the description of the claim group, to include the Eastern Maar people. The Amended Application is included in this decision included in this reported decision.

***Tatow on behalf of the Iman People #2 v State of Queensland* [2011] FCA 802**
19 July 2011
Federal Court of Australia, Brisbane QLD
Collier J
This judgment dealt with an application under s. 66B(1)(a)(iii) of the *Native Title Act 1993* (Cth), to change the list of named applicants, on the ground that the currently named applicants are no longer authorised by the claim group. The application was opposed by two members of the claim group, who filed affidavits before the date of the hearing but who did not appear at the hearing. Two other members of the claim group did appear at the hearing to oppose the application, and sought leave to file affidavits in relation to the authorisation meeting which gave rise to the present application. Collier J refused leave to file these affidavits, because no explanation had been given as to why they had not been filed earlier and not served on the other parties; the affidavits contained extensive allegations of fact which the other parties could not adequately respond to without time to prepare; and the affidavits contained unsubstantiated hearsay and scandalous material. On the substance of the application, Collier J was satisfied that an authorisation meeting was properly held at which the claim group revoked the authority of the currently named applicants and authorised a new list of named applicants.

***Dunghutti Elders Council (Aboriginal Corporation) RNTBC v Registrar of Aboriginal and Torres Strait Islander Corporations* [2011] FCAFC 88**
21 July 2011
Full Federal Court of Australia, Sydney NSW
Keane CJ, Lander and Foster JJ
This case concerns administrative law rather than native title law *per se*. The Registrar of Aboriginal and Torres Strait Islander Corporations had issued to the Dunghutti Elders Council (Aboriginal Corporation) RNTBC a notice requiring the Council to justify (or 'show cause') why it should not be put under special administration under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) ('CATSI Act'). The Council challenged the procedure that the Registrar had followed in issuing the notice. The challenge was not directed to the substantive issue of whether the Council should be put under special administration, but was limited to procedural issues. Flick J dismissed the Council's challenge at first instance, and the present judgment was the appeal of that decision. The appeal, heard by Keane CJ, Lander and Foster JJ, was also dismissed.

The Court rejected the Council's claim that the Registrar's delegate had acted in a way which might lead a reasonable observer to conclude that he had already made up his mind about the relevant matters. It was held that the provision authorising the delegate to issue the notice was predicated on the assumption that the delegate would already hold suspicions that special administration may be warranted. It would be absurd if the delegate was barred from issuing a notice by his very belief in the facts which would support the issuing of the notice. The relevant question is whether the delegate's mind was 'incapable of alteration, whatever evidence or arguments may be presented' – the Court found that it was not.

In response to the Council's claim that they had been denied procedural fairness, the Court held that all that was required was that the notice disclose the substance of the legal and factual concerns being put to the Council. The notice contained sufficient substance, and so the Council had not been denied an adequate opportunity to respond to those concerns. The Court also rejected a contention that the notice had contained statements, relating to the magnitude of the Council's legal expenditure, which were

unsupported by any evidence. Finally, the Court agreed with the trial judge's conclusions that the two weeks allowed for the Council to respond to the notice was a reasonable period of time, and that the notice was not inconsistent with the requirements of s.487-5 of the CATSI Act.

***Isaacs on behalf of the Turrbal People v Queensland* [2011] FCA 828**
25 July 2011
Federal Court of Australia, Brisbane QLD
Reeves J
Ms Ruth James and Ms Pearl Sandy had applied to be joined under s. 87 of the *Native Title* Act *1993* as respondents to the Turrbal people's native title application, and this judgment dealt with the initial issue about whether the they should be granted leave under s. 85 to be represented in Court by another person, Ms Wiltshire, who was not a lawyer. Reeves J refused leave for Ms Wiltshire to represent Ms James and Ms Sandy for three reasons. Firstly, Ms James and Ms Sandy had not indicated that they were unable to pay for a lawyer, or that they suffered from any language difficulty or other problem that would impair their ability to appear in person. Secondly, the complexity of native title proceedings counted against allowing a non-lawyer to act as a representative. Thirdly, Reeves J did not consider Ms Wiltshire to be a suitable person to represent a party in proceedings before the Court. Ms Wiltshire had been responsible for Ms James and Ms Sandy having failed to comply with several case management directions, did not have an adequate understanding of the Court's processes, and had displayed a lack of candour in answering the judge's questions.

***West on behalf of the Djaku-nde and Jangerie Jangerie Peoples v State of Queensland* [2011] FCA 840**
27 July 2011
Federal Court of Australia, Brisbane QLD
Collier J
In February 2011, Collier J granted leave to the applicant in this matter to discontinue the native title application, and ordered that if the matter had not been discontinued by 16 June 2011, then the application would be automatically dismissed from that date. This judgment dealt with an application to set aside those orders to keep the native title application on foot until August, at which time a fresh native title application was expected to be filed. The native title claim group were seeking some continuity between the end of the current claim and the production of research supporting the new claim. While Collier J expressed sympathy with the native title claim group's desire to have some certainty and continuity, she declined to vacate her previous orders on the grounds that the present claim is eleven years old, has no prospects of success, has not been prosecuted, and is prejudicial to the respondents in that its continuation will waste their time and money.

***Lovett on behalf of the Gunditjmara People v State of Victoria (No 5)* [2011] FCA 932**
27 July 2011
Federal Court of Australia, Eumeralla (Yambuk) Coastal Reserve VIC
North J
This is the consent determination of Part B of the Gunditjmara people's claim, which was amended to include the Eastern Maar people as applicants. The determination area in south western Victoria is approximately 4000ha, all Crown land, in 172 parcels. By consent, the Court determined that native title exists on approximately 3000ha, and does not exist on the remaining 1000ha. The main issues were, first, that some of the Part B area required further anthropological assessment, and second, there was a dispute between the Gunditjmara people and the Framlingham Trust, which had cultural heritage responsibilities under the *Aboriginal and Torres Strait Islander Protection Act 1984* (Cth).

North J dealt with the requirements of a consent determination, including that it is appropriate according to s.87(1A)(a) of the *Native Title Act 1993* (Cth)(NTA). His Honour described the process of mediation by two Federal Court Registrars, which included a conference of the anthropological experts, and was supported by the detailed evidence of the earlier consent determination in *Gunditjmara Part A*. North J decided that 'the process by which agreement was reached was thorough. It was focused on the legal requirements necessary to establish native title, but at the level of an arguable case. This is an appropriate approach to agreement making'. No ILUA was made with this consent determination for factors including the change of State government and the fact that a broader ILUA was made with the Gunditjmara Part A determination.

Two PBCs
North J noted that nomination of two PBCs for one determination area had not occurred in Victoria before, but that it was convenient in this case to allow the Gunditj Mirring Traditional Owners Aboriginal Corporation and the Eastern Maar Aboriginal Corporation both to become the PBCs for their respective members in this determination area. This is permitted by ss. 56(2)(a) and 57(2)(a)

of the NTA and the Court followed *Moses v State of Western Australia* [2007] FCAFC 78; (2007) 160 FCR 148 [376]-[386] in applying this provision. The two corporations have entered an agreement to manage heritage effectively. His Honour concluded that 'the fact that these neighbours have been able to cooperate in the resolution of the shared rights and interests in the boundary area is testimony to the capacity of strong dynamic Indigenous peoples to administer their affairs efficiently, competently, and in a spirit of harmony which is an example to all Australians'.

***Edwards v Santos Limited (No 3)* [2011] FCA 886**

5 August 2011

Federal Court of Australia, Brisbane QLD (via video link to Sydney NSW)

Logan J

This is a decision of the Federal Court in a matter remitted to it by the High Court in a decision of 30 March 2011, which was summarised on page 8 of the NTRU Newsletter March/April 2011 at http://www.aiatsis.gov.au/ntru/docs/newsletter/MarApr11.pdf. That High Court decision had set aside Logan J's original judgment, as well as the judgment of the Full Federal Court which had affirmed Logan J's original judgment. The original judgment had dismissed an application by the native title applicants (Wongkumara) seeking declarations relating to the legal status within the *Native Title Act* future acts regime of prospective petroleum leases to be issued to Santos Ltd or Delhi Petroleum Pty Ltd, and seeking to restrain the Queensland government from granting such petroleum leases. Because the original judgment had been set aside by the High Court, Logan J now had to reconsider the application by the Wongkumara applicants. Before the substantive hearing of the application, however, the Wongkumara applicants sought orders from Logan J disqualifying himself from hearing the application. They argued that Logan J should disqualify himself because there was a reasonable basis for believing that his Honour might not bring an impartial mind to resolving the question before him, in light of rulings he had previously made about the merits of their case. Logan J dismissed this argument on two bases. Firstly, his Honour found the applicants had waived any right to argue the bias point, because they had applied to the High Court to have the matter remitted to Logan J – if they had considered that his Honour should not hear the case, they ought to have raised that in the High Court. Secondly, Logan J ruled that there could be no reasonable apprehension of bias on his part, because he had not made findings of fact at first instance but rather had only ruled on the law, which had now been overturned by the High Court. Logan J will preside over the rehearing of the substantive application.

***Barnes v Northern Territory of Australia* [2011] FCA 879**

5 August 2011

Federal Court of Australia, Adelaide SA (via video link with Darwin NT)

Mansfield J

This is the combined hearing of two matters. One was brought by Rodney Barnes (Gudulla) as the applicant for a native title claim group called the Janba Gurdalanji, and is referred to by the Court as the Barnes application. It comprises a small area entirely within the other – referred to as the Rockhampton/Brunette Downs application after the pastoral stations concerned. Mansfield J described the dispute at [54]: 'The dispute is largely a factual one, albeit a complex factual one. It is whether the relationship of the Barnes claim group to the Nanara/Darima area [a particular part of the overlap area] is of the character referred to in the [legal requirements], so that they hold native title rights over that area in their capacity as members of the Barnes claim group or whether they do so in the wider capacity as members of the Rockhampton/Brunette Downs claim group'.

His Honour described the evidence, which was the evidence of Mr Barnes on one side, and of a number of claimants and an anthropologist on the other. He determined that the Barnes claimants are part of a wider group that may hold native title in the overlap area as claimed in the Rockhampton/Brunette Downs application and dismissed the Barnes application. The Rockhampton/ Brunette Downs application, on behalf of the Kutinja, the Kunapa and Mangirriji, and the Kunakiji and Lukkurnu Groups of the Warrumungu, the Kujuluwa, the Marrarrabana and the Garrgarrguwarja Groups of the Wampaya, the Purrukwara Group of the Wayaka, and the Ngapa Group of the Warlmanpa, is still being negotiated.

***Cheedy on behalf of the Yindjibarndi People v State of Western Australia* [2011] FCAFC 100**
12 August 2011
Full Court of the Federal Court of Australia, Perth WA
North, Mansfield and Gilmour JJ
Background
The Yindjibarndi people had been in negotiations with FMG Pilbara Pty Ltd over applications for mining leases, which led to the publicised breakdown of negotiations and the split within the Yindjibarndi community. Before the Tribunal, the Yindjibarndi people argued that the mining lease would damage ceremonial sites, and that the interference with their religion was barred by s. 116 of the Constitution, which prohibits laws for restricting freedom of religion. The Tribunal determined that the future acts – the grant of those mining leases – could be done. The Yindjibarndi people appealed that determination to the Federal Court, which upheld the Tribunal's determination. The Yindjibarndi people appealed McKarracher J's decision to the Full Federal Court on administrative law grounds.

This appeal
The Full Court considered the Yindjibarndi people's first ground of appeal that 'the Tribunal erred by determining that s.38 and s.39 of the Act did not have the intention, design, purpose or effect of prohibiting or seeking to prohibit the free exercise of the applicants' religion, contrary to s.116 of The Constitution' at [59]. The Full Court rejected this ground and agreed with McKarracher J, who had followed the rule from *Kruger v Commonwealth of Australia* [1997] HCA 27; (1996) 190 CLR 1. This rule is that a law can only be invalid for inconsistency with s.116 if its purpose – not its effect – is to prohibit the free exercise of religion. [89]

The Full Court stated the appellants' argument on international obligations at [62]: 'that the Tribunal erred in law in determining that international instruments [the International Convention on Civil and Political Rights (ICCPR)] were irrelevant to its inquiry because there is no relevant ambiguity in s.39 of the Act'. This ground too was wholly rejected by the Full Court, which agreed with the lower Court that legislation is not to be interpreted by reference to international instruments when there is no ambiguity in the meaning of the statute. At [105] the Full Court said: 'The language of these two sections leaves no room for the contention that the Tribunal is bound to come to a particular decision favouring the freedom to enjoy culture or practise religion…. the international obligations can provide no assistance to the construction of provisions which govern the scope of the Tribunal's jurisdiction'. The Court said further that even if these sections were interpreted in line with the ICCPR, this would not have prevented the Tribunal's finding of fact that the future act determinations, subject to certain conditions, would not result in preventing the appellants from exercising their religion [105].

Other matters
Counsel for the appellants also argued orally that McKarracher J had erred in finding that FMG had complied with the heritage protection legislation, because it had previously apologised to the Yindjibarndi people for bulldozing a significant site. The Full Court noted that the argument was not pleaded in this appeal, and affirmed the finding below that this is a matter of fact and not law.

The Court qualified the Tribunal's endorsement of a passage from *Waljen* (*Western Australia v Thomas (1996)* 133 FLR 124) at 215 and 216, which heard detailed economic evidence and stated that there is public interest in mining. The Full Court commented at [138] that 'whilst it may be accepted that mining developments generally are in the public interest, it may be necessary in other circumstances for the Tribunal to consider the public interest in the particular project rather than by reference to the mining industry in general'.

***Isaacs on behalf of the Turrbal People v State of Queensland (No 2)* [2011] FCA 942**
19 August 2011
Federal Court of Australia, Sydney NSW (via video link to Brisbane QLD)
Reeves J
This judgment dismissed an application by Ruth James, Pearl Sandy and Desmond Sandy (the Yugarapul individuals) to be joined as respondents to the Turrbal claim. Section 84(5) of the *Native Title Act 1993* (Cth) gives the Court the discretion to join a person as a party 'if the Court is satisfied that the person's interests may be affected by a determination in the proceedings and it is in the interests of justice to do so'. It was not in dispute that a person claiming to have native title rights and interests in the claim area has a sufficient interest to be joined as a party. What was in dispute was (i) whether there was in fact any overlap between the Turrbal claim area and the area claimed as Yugarapul lands; (ii) whether the Yugarapul individuals were seeking to be joined in a personal or a representative capacity; and (iii) whether the Court's discretion should be exercised to join them as respondents.

As to the question of overlap, Reeves J stated that the relevant question was whether, on a *prima facie* basis, the interests claimed by the Yugarapul individuals could be affected by the Turrbal claim. Such a question does not involve entering into factual disputes about the correctness of the Yugarapul individuals' claims – otherwise, the judge 'would be placed in the paradoxical position of having to determine one of the factual issues in dispute in the substantive proceedings for the purposes of determining whether or not the applicants should be joined as respondents to contest that very factual issue'. On the basis of affidavits attesting to the boundaries of the Yugarapul people's lands, Reeves J found that there was a *prima facie* case for an overlap between the areas claimed, and therefore the native title rights and interests claimed by the Yugarapul individuals could be affected by the determination of the Turrbal application.

The application to be joined could not succeed, however, because the Yugarapul individuals were attempting to be joined as representatives of the Yugarapul people rather than in their personal capacities, and were doing so in order to obtain a positive determination of native title, rather than merely defensively asserting their native title rights and interests to protect them from erosion. Reeves J held that in order to be joined in that capacity, the Yugarapul individuals would have to make their own native title application under ss. 13 and 61 of the Act, with evidence that they had been duly authorised by the Yugarapul claim group. In any case, Reeves J indicated that, even if the application to be joined was made merely in a personal and defensive capacity, he would nevertheless have declined to exercise his discretion to join the Yugarapul individuals as respondents. This was because of the fact that the Turrbal claim was already set down for trial, and had been on foot for thirteen years, such that the introduction of new parties at this late stage would disrupt the progress of the matter toward resolution. Importantly, members of the Yugarapul people had known of the Turrbal application as far back as 1998, and the Yugarapul individuals offered no explanation for their lateness in applying to become respondents.

***Dunghutti Elders Council (Aboriginal Corporation) RNTBC v Registrar of Aboriginal and Torres Strait Islander Corporations (No 2)* [2011] FCAFC 110**

25 August 2011

Full Court of the Federal Court of Australia, Sydney NSW

Keane CJ, Lander and Foster JJ

The Dunghutti Elders Council (Aboriginal Corporation) RNTBC had challenged the validity of a notice issued by the Registrar of Aboriginal and Torres Strait Islander Corporations requiring the Council to show why it should not be put under special administration. Flick J in the Federal Court dismissed that challenge (*Dunghutti Elders Council (Aboriginal Corporation) RNTBC v Registrar of Aboriginal and Torres Strait Islander Corporations* [2011] FCA 370), and the Full Court of the Federal Court dismissed an appeal against Flick J's decision. The present judgment dealt with an application by the Council to re-open the Full Court's decision. The Council argued that the Full Court had failed to deal in its judgment with one of the arguments raised in the notice of appeal. The Court dismissed the application to re-open the judgment, on the grounds that the relevant argument had not been raised before Flick J, had not been advanced at the hearing of the appeal, and in any case was without merit. The outcome is that the Council's challenge to the validity of the Registrar's notice has been unsuccessful. Accordingly, if the Council now fails to show why it should not be put under special administration, the Registrar may decide to do so.

Legislation and Policy

Native Title Respondent Funding Scheme

The Native Title Respondent Funding Scheme (NTRFS) provides financial assistance to native title respondents under s.213A of the *Native Title Act 1993* (Cth) (NTA). This scheme does not provide assistance for native title claimants. Applications for assistance are assessed against the scheme's guidelines.

Review of the NTRFS

The existing 26 statutory and non-statutory financial assistance schemes administered by the Attorney-General's Department will be consolidated into one scheme that will cover the cost of disbursements in a wide variety of legal matters. This new scheme will commence on 1 July 2012. The NTRFS (including funding for native title officers) will be affected by these changes.

The Attorney-General's Department will be developing a revised interest test to determinate eligibility for respondent funding in native title matters. Current funding arrangements for native title officers will also be reviewed. The Attorney-General's Department has engaged an independent consultant to conduct a review of native title respondent and native title officer funding. Please see the terms of reference for the consultancy for further detail. For further information on the review, please refer to the frequently asked questions document. There is an opportunity to provide written input by email to NTRFSreview@ag.gov.au. The deadline for written submissions is 30 September 2011. For further information see the Attorney-General's Department website: http://www.ag.gov.au/www/agd/agd.nsf/Page/Legalaid_FinancialassistancebytheAttorney-Generalinnativetitlecases

Native Title Amendment (Reform) Bill 2011

On 12 May 2011 the Senate referred the Native Title Amendment (Reform) Bill 2011 for inquiry and report. Submissions closed on 29 July 2011. Twenty-seven public submissions have been received by the Legal and Constitutional Affairs Legislation Committee. The Committee reporting date is 3 November 2011. Visit the Legal and Constitutional Affairs Legislation Committee website to download these submissions: http://www.aph.gov.au/Senate/committee/legcon_ctte/native_title_three/submissions.htm.

Native Title Publications

AIATSIS Publications:

- Williams G, 'Recognising Indigenous peoples in the Australian Constitution: What the Constitution should say and how the referendum can be won', Vol. 5, No. 1, Native Title Research Unit, AIATSIS, 2011, p. 1-16.

Abstract:
The Commonwealth government has made a commitment to a referendum on constitutional recognition of Australia's first peoples. In a series of two papers, *Land, Rights, Laws: Issues of Native Title* will explore where native title might fit into this debate. In the first paper, senior constitutional scholar George Williams provides an overview of the challenges facing constitutional change and the options for reform, and assesses what is required to achieve change, such as bipartisanship, popular education, and popular ownership. In the paper to follow, native title specialist Sean Brennan will outline five possible areas of constitutional change and discuss their practical implications for native title.

- Bauman T & Macdonald G (Eds.), 'Unsettling anthropology: the demands of native title on worn concepts and changing lives', Native Title Research Unit, AIATSIS, Canberra, 2011.

Abstract:
This collection arose from a workshop for anthropologists in July 2010, Turning the Tide: Anthropology for Native Title in South-East Australia. Held at Sydney University and co-convened by the University of Sydney and the Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, the workshop addressed issues of native title anthropology in what is often referred to as 'settled' Australia. In these areas, native title — as a form of justice and recognition for Indigenous peoples — has proven a particularly frustrating experience. The title of the workshop recalled the various Yorta Yorta native title decisions in Victoria, and Olney J's quoting of Justice Brennan in *Mabo (No 2)* (1992, at [60]): 'when the tide of history has washed away any real acknowledgement of traditional law and any real observance of traditional customs, the foundation of native title has disappeared'.

Modelling the connection of native title claimants to their land in ways that are acceptable to the adversarial native title context is a challenge for native title anthropologists. They are faced with embedded and static notions of tradition that fly in the face of at least half a century of national and international anthropological debates and theory, but which have received little attention in the native title sector. The book includes issues such as naming of groups, the significance of descent from deceased forebears, the constitution of society, ways of approaching Aboriginal land tenure, processes of group exclusion and inclusion, changing laws and customs, and the scale of native title groups

Other Publications:

- Amnesty International, 'The land holds us': Aboriginal peoples' right to traditional homelands in the Northern Territory', Amnesty International, August 2011.

- Keon-Cohen QC, B, 'Mabo in the Courts: Islander Tradition to Native Title: a memoir', Australian Scholarly Publishing, North Melbourne, 2011.
- National Native Title Tribunal, Developing Indigenous land use agreements: A guide for local government, NNTT, July 2011.
- National Native Title Tribunal, National Report: Native Title, NNTT, August 2011.
- North Australian Indigenous Land & Sea Management Alliance (NAILSMA), 'Indigenous rights in water in northern Australia', NAILSMA, August 2011.
- O'Faircheallaigh, C, 'Use and Management of Revenues from Indigenous - Mining Company Agreements: Theoretical Perspectives', ATNS Working Paper Series, No.1 / 2011
- Steering Committee for the Review of Government Service Provision, 'Overcoming Indigenous Disadvantage: Key Indicators 2011 Report', Productivity Commission, Canberra, 2011.

Native Title in the News

National

06/07/2011

Native title guide for local government

The National Native Title Tribunal and Australian Local Government Association (ALGA) launched 'Developing Indigenous land use agreements: A guide for local government'. The guide is focused on Indigenous land use agreements (ILUAs), as they are primarily used by local governments to ensure that their actions in relation to land use that affect native title are done validly under the *Native Title Act 1993* (Cth). Click here to download the *Developing Indigenous land use agreements: A guide for local government* .*Torres News* (Thursday Island QLD, 6 July 2011), 22.

19/08/11

Review of Attorney-General's portfolio

The Department of Finance and Deregulation is undertaking a review of the Courts and Tribunals under the Attorney-General's portfolio including the National Native Title Tribunal, Federal Court, Family Court, Federal Magistrates Court and the Administrative Appeals Tribunal, but not the High Court. Cabinet documents show that the Federal government is seeking to reduce cost in the administration of Federal Tribunals and Courts by increasing shared services. *Australian Financial Review* (Australia, 19th August 2011), 21.

New South Wales

25/07/2011

Native title claim registered

The Yaegl people's second native title claim in the Clarence Valley, covering 1400sqkm, has been registered with the National Native Title Tribunal. The claim covers land from the Wooli River to Yamba and also extends 3km out to sea. The claim was made by the Yaegl Aboriginal Land Council. The rights given to the Yaegl people from a successful native title claim will be negotiated as part of the native title process, a spokeswoman for the National Native Title Tribunal said. *Daily Examiner* (Grafton NSW, 25 July 2011), 6. *Advocate* (Coffs Harbour NSW, 25 July 2011), 8. *Coastal Views* (Maclean NSW, 29 July 2011), 10.

09/08/11

Dunghutti Elders Council may appeal to High Court

On 11 February 2011, the Office of the Registrar of Indigenous Corporations (ORIC) issued the Dunghutti Elders Council (DEC) with a show cause notice amid concerns about the governance of the DEC and its use of native title monies held in trust. On 24 February 2011 the DEC applied to the Federal Court for an injunction to prevent the Registrar from placing the corporation under special administration. On 21 July 2011 the Full Court of the Federal Court dismissed a Dunghutti Elders Council (DEC) appeal against the show cause notice issued by the ORIC. The DEC then lodged another appeal against the 21July decision, arguing there was a defect in the judgment handed down by the Full Court. Legal representatives for the DEC have asked that the Court reopen or vacate the decision it made on 21 July and indicated that if the appeal is dismissed, they may seek special leave to appeal to the High Court of Australia.

This appeal has subsequently been dismissed. See *Dunghutti Elders Council (Aboriginal Corporation) RNTBC v Registrar of Aboriginal and Torres Strait Islander Corporations (No 2)* [2011] FCAFC 110 or the August 2011 edition of 'What's New' for a case summary. *Macleay Argus* (Kempsey NSW, 9th August 2011), 2. *Macleay Argus* (Kempsey NSW, 23rd August 2011), 5. *Macleay Argus* (Kempsey NSW, 19th August 2011), 2.

Northern Territory

5/07/2011

Two native title determinations

The Federal Court handed down two decisions that recognise the native title rights of traditional owners of both the Neutral Junction area and the Kurundi pastoral lease in the Northern Territory. Neutral Junction is 300km north of Alice Springs and is part of the Kaytetye people's territory. The Kurundi decision recognises native title rights for 3857skqm of the larger Kurundi Perpetual Pastoral Lease 400km north of Alice Springs.

The CLC said the decision recognises their traditional rights, including the right to hunt, gather and fish on the land and waters, the right to conduct cultural activities and ceremonies, the right to live on the land, and for that purpose, to camp, erect shelters and other structures. It also secures their right to negotiate over any future acts such as mining. This area is also a cattle station which will co-exist with the native title agreement. *Northern Territory News* (Darwin NT, 15 July 2011), 6. *Centralian Advocate* (Alice Springs NT, 15 July 2011), 4.

13/07/2011

Katherine Land Council bid

The Aboriginal Land Commissioner, Justice Olney attended a meeting in Katherine NT to hear evidence about the Jawoyn Association's proposal to create a breakaway Katherine Land Council. Northern Land Council Chief Executive Officer, Kim Hill told the meeting that the Jawoyn Association proposal was little more than a 'land grab'. 'They want to take over control of almost 80 per cent of the Northern Land Council's region and clearly did not have the support for such an ambitious takeover attempt', he said. *Northern Territory News* (Darwin NT, 13 Jul7 2011), 3. *National Indigenous Times* (Malua Bay NSW, 21 July 2011), 12.

Queensland

05/07/2011

Quandamooka native title determination

The Federal Court ratified three native title agreements at a special sitting at a special sitting in Dunwich Community Hall on North Stradbroke Island QLD, 4 July 2011. Justice John Dowsett made the rulings, recognising the Quandamooka peoples land rights over more than 98 per cent of Stradbroke Island.

Under the determination, native title holders will have exclusive use of 2264ha of land and non-exclusive rights to another 22,639ha and 29,505ha in the Moreton Bay Marine Park. The ruling gives the Quandomooka people permanent involvement in managing national parks and a share in mining royalties until sandmining ends on the island in 2025. Ian Delany, who was the sole native title applicant, admitted he had struggled to balance widely differing community views but said sticking together was key. 'I have faith in the younger group ... it's their job to steer the community in the right directions', he said.

For more information on the determination visit the National Native Title Tribunal website: *Quandamooka people's native title determination*. *Courier Mail* (Brisbane QLD, 5 July 2011), 12. *Daily News Tweed Heads* (Tweed Heads NSW, 5 July 2011), 12. *Queensland Times* (Ipswich QLD, 5 July 2011), 14. *Advocate,* (Coffs Harbour NSW, 5 July 2011), 13. *Morning Bulletin* (Rockhampton QLD, 5 July 2011), 12. *Daily Advertiser* (Wagga Wagga NSW, 5 July 2011), 9. *Kalgoorlie Miner* (Kalgoorlie WA, 5 July 2011), 4. *Bayside Bulletin* (Brisbane QLD, 5 July 2011), 1. *National Indigenous Times* (Malua Bay NSW, 7 July 2011), 28. *Redland Times*, (Brisbane, 8 July 2011), 1. *Redland Times* (Brisbane QLD, 8 July 2011), 5. *North West Telegraph* (South Hedland WA, 13 July 2011), 6.

27/07/2011

Western Cape Communities Trust investment strategy

The Western Cape Communities Trust (WCCT) has developed an investment strategy to ensure the long-term sustainability of mining royalty revenues for the communities and traditional owners of the western Cape York region of Queensland. The strategy outlines the direction for the WCCT's royalty investments, which is projecting substantial retained funds by 2022. The WCCT is a perpetual trust and currently the largest of its kind in Australia. The WCCT is a company 100 per cent owned and operated by the 11 traditional owner groups of the Western Cape York region.

WCCT Executive Officer, Georgina Richters, said the investment strategy, developed by traditional owner directors and associated with existing mining agreements, is the first of its kind in Australia. 'Trust directors and members have worked diligently for three years to ensure compliance in legal, tax and governance matters and now this investment strategy provides long-term direction for the management of Rio Tinto Alcan and Queensland government royalties for its shareholders', Ms Richters said.

Click here to download the investment strategy: http://www.westerncape.com.au/pdf/WCCT_Investment_Strategy_FINAL_FN-200511.pdf
North West Telegraph (South Hedland WA, 27 July 2011), 10.

27/07/2011
Juru people get rights over Cape Upstart
At a special sitting of the Federal Court in Bowen, Justice Rares acknowledged that the Juru people have native title rights and interests to more than 8500 ha in Cape Upstart National Park. In handing down the determination, Justice Rares said the Juru people had continued to acknowledge and observe traditional laws and customs from before European settlement.

The judgment read: 'From today, the rights and interests of the Juru people will be protected by the force of law so that the current and future descendants of the original Indigenous inhabitants before 1861 will enjoy rights and interests that their ancestors had'.

Natural Resources Minister Rachel Nolan said the agreement demonstrated the Juru people's commitment to conservation values. 'This determination will allow the Juru people to use the land for hunting, fishing and gathering purposes and to conduct ceremonies and carry out cultural activities'. *Townsville Bulletin* (Townsville, 27 July 2011), 14. *Northern Territory News* (Darwin NT, 27 July 2011), 14. *Gold Coast Bulletin* (Gold Coast QLD, 27 July 2011), 13. *Courier Mail* (Brisbane QLD, 27 July 2011), 15. *Bendigo Advertiser* (Bendigo VIC, 27 July 2011), 17. *Observer* (Home Hill QLD, 28 July 2011), 10. *Bowen Independent* (Bowen QLD, 27 July 2011), 3. *Pilbara News* (Pilbara WA, 27 July 2011), 7. *Daily Mercury* (Mackay QLD, 27 July 2011), 2. *Bowen Independent* (Bowen QLD, 29 July 2011), 3. *National Indigenous Times* (Malua Bay NSW, 4th August 2011), 27.

19/08/11
Connection report discussed at Mandandanji meeting
A connection report which aims to establish the Mandandanji people's connection to country was discussed at a meeting in Toowoomba on 3 September. The area of land which the report refers to is approximately 33,000sqkm within the Maranoa, Goondiwindi, Balonne and Western Downs Local Council regions. Queensland South Native Title Services (QSNTS) CEO Kevin Smith stated that the meeting was 'an opportunity for Mandandanji people to have a say and be part of the native title process'. The meeting was used to accept or reject the material in the connection report, and then provide QSNTS with instructions on how to proceed the claim. *Western Star* (Roma QLD, 19th August 2011), 6.

South Australia

12/08/11
Ngadjuri people sign native title agreement
The Ngadjuri people, whose lands lay in the mid north of South Australia, have signed a native title agreement with iron ore miner, Royal Resources. The company has agreed to employment and educational scholarship measures for the Ngadjuri people. Ngadjuri Nation Chairman Quenten Agius said the Ngadjuri people looked forward to working with Royal Resources. 'Royal Resources understood our concerns around Aboriginal culture and heritage and addressed those issues during our negotiations', he said. *Advertiser* (Adelaide SA, 12th August 2011), 69.

16/08/11
Mining dispute on Adnyamathanha lands
The Adnyamathanha Traditional Lands Association (ATLA) has voted in favour of mining in Arkaroola at a special general meeting held in Hawker, South Australia. 'Our people had a democratic process as part of our traditional practices and this is continued today, so at our meeting we discussed this issue at length and then the vote was carried convincingly in favour of mining in Arkaroola', Association Chairman, Vince Coulthard said. 'ATLA is the only entity that can legally speak on behalf of the Adnyamathanha people and therefore governments and others are legally required to consult with us on any matters with regards to our native title'.

Despite this vote, the South Australian government will push on with plans to ban mining forever in the Arkaroola Wilderness Sanctuary. South Australian Premier Mike Rann said while he 'respected the views of the traditional owners, he was proud of proposed legislation to ban mining in the environmentally sensitive region of the Flinders Ranges'. *Northern Star* (Lismore NSW, 16th August 2011), 8. *Northern Territory News* (Darwin NT, 16th August 2011), 12. *Fraser Coast Chronicle* (Harvey Bay QLD, 16th August 2011), 13. *Advocate* (Coffs Harbor NSW, 16th August 2011), 11. *Sunraysia Daily* (Mildura VIC, 16th August 2011), 11. *National Indigenous Times* (Malua Bay NSW, 18th August 2011), 16. *Daily Liberal* (Dubbo NSW, 16th August 2011), 6.

24/08/11
Kokatha Uwankara native title agreement
Minerals exploration and development will go ahead on the Carrapateena Prospect, located 100kms South East of Olympic Dam and 130kms North of Port Augusta, on the eastern margin of the Gawler Craton following the signing of a native title agreement between Kokatha Uwankara native title holders and OZ Minerals Carrapateena Pty Ltd.

The Deed of Acknowledgement and Assumption marks the agreement between the parties to allow for the on-going exploration and development of the Carrapateena Prospect. The new Deed amends an existing agreement and supersedes and replicates previous agreements, dating back to early 2006, between Teck Australia Pty Ltd, the Kokatha Uwankara native title claimants and formerly overlapping native title claim groups. *Monitor Roxby Downs* (Roxby Downs SA, 24th August 2011), 5.

Western Australia

01/07/2011
Woodside agreement
The Goolarabooloo Jabirr Jabirr native title claim group, Woodside Petroleum and the Western Australia government signed a heads of agreement to facilitate the Browse LNG precinct in Western Australia. WA Premier Colin Barnett said the signing 'concluded years of intensive negotiations with traditional owners, who would get more than $1.5 billion over 30 years and more when additional proponents took up land'. The deal includes $256 million for housing, education, economic development and cultural heritage protection as well as the creation of conservation areas and land tenure reform.

However not everything has run smoothly, with protesters blocking the site to prevent Woodside workers gaining access to the site for almost a month and protestors staging demonstrations at Parliament House in Canberra. *Illawarra Mercury* (Wollongong NSW, 1 July 2011), 24. *West Australian* (Perth WA, 1 July 2011), 11. *Newcastle Herald* (Newcastle NSW, 1 July 2011), 35. *Townsville Bulletin* (Townsville QLD, 1 July 2011), 53. *Herald Sun* (Melbourne VIC, 1 July 2011), 61. *Broome Advertiser* (Broome WA, 7 July 2011), 4. *Sunday Times* (Perth WA, 10 July 2011), 3 & 16. *The Weekend West* (Perth WA, 2 July 2010), 19. *Mining Chronicle* (National AU, July 2011), 1. *West Australian* (Perth WA, 6 July 2011), 3. *Broome Advertiser* (Broome WA, 7 July 2011), 2. *National Indigenous Times* (Malua Bay NSW, 21 July 2011), 10.

9/07/2011
Fortescue Metals Group refuse to pay royalties
Fortescue Metals Group (FMG) has attempted to make an agreement with the Yindjibarndi Aboriginal Corporation since 2007 to develop its Solomon Hub project, about 200km south of Roebourne. FMG has offered Yindjibarndi traditional owners a $500,000 signing fee, $4 million a year in cash and up to $6.5 million a year in housing, jobs, training and business opportunities. In return, Fortescue will get land access for all future mining activity including an expansion of its Solomon Hub mine, where an estimated $280 billion worth of iron ore can be extracted over 40 years.

However, the Yindjibarndi Aboriginal Corporation (YAC) is trying to negotiate a minimum 2.5 per cent of royalties. YAC Chief Executive Michael Woodley criticised FMG stating that 'the only way to fix up some of our social problems, is to insist that these companies pay a fair deal'. Mr Woodley has said that the FMG offer is inadequate for loss of country.

With negotiations at a standstill the Wirlu-Murra Yindjibarndi Aboriginal Corporation, which supports Mr Forrest's offer, was formed and in March 2011 called a meeting in an effort to take over from YAC and finalise an agreement. Wirlu-Murra has launched a Supreme Court bid to have an administrator appointed to YAC. For more information see ABC's 4 Corners program website: http://www.abc.net.au/4corners/content/2011/s3270263.htm *National Indigenous Times* (Malua Bay NSW, 21 July 2011), 15. *North West Telegraph* (South Hedland WA, 27 July 2011), 10. *Newcastle Herald* (Newcastle NSW, 27 July 2011), 35. *Canberra Times* (Canberra ACT, 27 July 2011), 13. *Pilbara News* (Pilbara WA, 27 July 2011), 7. *Border Mail* (Albury Wodonga VIC, 27 July 2011), 23. *Daily Mercury* (Mackay QLD, 30 July 2011), 19. *Bowen Independent* (Bowen QLD, 29 July 2011), 11.

20/07/2011
No agreement for Rio Tinto's pipe plan
Rio Tinto has requested the Jidi Jidi Aboriginal Corporation, which manages 50,000sqkm of land for the Nharnuwangga, Wajarri and Ngarlawangga traditional owners, for help with heritage surveys to ascertain whether a pipeline could be installed without affecting any Aboriginal sites. A Rio Tinto spokesman said Jidi Jidi refused due to Rio Tinto not agreeing to sign an Indigenous land use agreement (ILUA), matching those signed with neighbouring traditional owners. 'Rio Tinto does not believe this narrow pipeline corridor - still only a potential and relatively minor project -justifies the

huge and comprehensive mutual obligations' the spokesman said.

Traditional owner and Jidi Jidi native title manager Georgina Riley said she expected Rio Tinto to sit down and come to a formal agreement before it carried out any work. Ms Riley said Jidi Jidi had the right to lodge a compensation claim in the Federal Court if Rio Tinto proceeded. She also claimed the native title holders were being bullied into accepting a pipeline that would divide their lands. *Pilbara News* (Pilbara WA, 20 July 2011), 20.

01/08/11
Goolarabooloo Jabirr Jabirr agreements and Woodside protests
The Western Australia State government, the Goolarabooloo Jabirr Jabirr native title claimant group and Woodside Energy signed three native title agreements to secure access to land at James Price Point to build a gas processing plant. The agreements are available for viewing at the Department for State Development website at: http://www.dsd.wa.gov.au/8416.aspx.

Twenty-five people were arrested in July as police removed protesters from the road as they attempted to block the bulldozers from entering the James Price Point region. Despite the protests, Woodside has continued clearing work at James Price Point as well as seabed geotechnical survey activities. *Mining Chronicle* (National AU, 1st August 2011), 1. *Northern Times* (Kerang VIC, 12th August 2011) 3. *Broome Advertiser* (Broome WA, 11th August 2011), 3.

04/08/11
Yindjibarndi Aboriginal Corporation appeal dismissed
Fortescue Metals Group (FMG) insists it has all the approvals needed to proceed with the Solomon iron ore project, however the Yindjibarndi Aboriginal Corporation (YAC) have stated that FMG could not legally begin mining until it met State imposed consent conditions for the protection of Yindjibarndi heritage. YAC has also objected to a compensation deal struck between Fortescue and Wirlu-Murra Yindjibarndi Aboriginal Corporation, to mine the Solomon project area. The deal comprises $4 million a year in cash and $6.5 million a year in housing, jobs, training and business opportunities.

The Yindjibarndi people had been in negotiations with FMG over applications for mining leases, which led to the publicised breakdown of negotiations and the split within the Yindjibarndi community.

Whilst trying to negotiate a deal at the National Native Title Tribunal earlier this year, YAC argued that the FMG mining lease would damage ceremonial sites, and that the interference with their religion was barred by s. 116 of the Constitution, which prohibits laws for restricting freedom of religion. The Tribunal determined that the future acts – the grant of those mining leases – could be done. The Yindjibarndi people appealed that determination to the Federal Court, which upheld the Tribunal's determination. The Yindjibarndi people appealed McKarracher J's decision to the Full Federal Court on administrative law grounds. This was dismissed by the Full Court of the Federal Court of Australia in Perth, comprising Justice Mansfield, Justice North and Justice Gilmour (see the case summary in the August 2011 edition of 'What's New'). The YAC stated it was likely the decision would be appealed in the High Court. *Canberra Times* (Canberra ACT, 4th August 2011), 13. *Daily Advertiser* (Wagga Wagga NSW, 13th August 2011), 57. *Kalgoorlie Miner* (Kalgoorlie WA, 13th August 2011), 27. *Australian Financial Review* (Australia, 13th August 2011), 14. *Mercury* (Hobart TAS, 13th August 2011), 33. *Shepparton News* (Shepparton VIC, 13th August 2011), 44. *Newcastle Herald* (Newcastle NSW, 13th August 2011), 39. *Herald Sun* (Melbourne VIC, 13th August 2011), 79. *Weekend Gold Coast* (Gold Coast QLD, 13th August 2011), 109. *Sydney Morning Herald* (Sydney NSW, 13th August 2011), 5. *Sunraysia Daily* (Mildura VIC, 13th August 2011), 33. *Courier Mail* (Brisbane QLD, 13th August 2011), 76. *Advertiser* (Adelaide SA, 13th August 2011), 76. *Northern Territory News* (Darwin NT, 13th August 2011), 36. *National Indigenous Times* (Malua Bay NSW, 18th August 2011), 24. *North West Telegraph* (South Hedland WA, 17th August 2011), 6. *Business News* (Perth WA, 18th August 2011), 2. *Pilbara News* (Pilbara WA, 17th August 2011), 3. *National Indigenous Times* (Malua Bay NSW, 18th October 2011), 24.

10/08/11
Native title deal signed
The Kariyarra people have signed off on a native title deal with the Western Australia State government which will provide the State with more than 3000ha of land for development and will allow for the future expansion of the South Hedland town and an expansion of the Port Hedland port.

In return for granting access to the land, the Kariyarra people will receive a percentage of profits from each lot sold by the State. Traditional owners will also receive parcels of land to develop and sell to resources companies. Regional Development

and Lands Minister Brendon Grylls said the agreement would bring significant benefits to the traditional owners and would also make land available for the government's growth plans for the region. 'This agreement helps the State move towards the Pilbara Cities vision and it forms the basis of a strong and successful relationship with the Kariyarra people', he said. *North West Telegraph* (South Hedland WA, 10th August 2011), 2. *West Australian* (Perth WA, 10th August 2011), 20, 19. *Business News* (Perth WA, 11th August 2011), 4.

18/08/11
Woodside fail to show respect
Patrick Dodson, Chairman of the Yawuru Native Title Holders Corporation, described Woodside and its contractor's unauthorised use of Yawuru land as offensive and disrespectful. Woodside admitted using Yawuru land in an attempt to bypass protesters opposed to Woodside's clearance work near James Price Point. Professor Dodson has written to Woodside's head of the Browse Project, Michael Hession to express Yawuru native title holders' sense of anger and disappointment over Woodside's conduct. *National Indigenous Times* (Malua Bay NSW, 18th August 2011), 19.

Victoria

25/07/2011
Native title recognised for Gunditjmara and Eastern Maar peoples
The Gunditjmara and Eastern Maar peoples have been recognised as the native title holders for an area of their traditional country in south-west Victoria. At a special sitting of the Federal Court in Yambuk, Justice North made orders recognising the ongoing native title rights of the Gunditjmara and Eastern Maar peoples. The orders were made by consent of all parties, including the Victorian and Commonwealth governments.

The determination was handed down at Yambuk Coastal Reserve, an area of the coast close to Deen Maar Island (Lady Julia Percy Island). The area, in which native title has been recognised, is along the Shaw and Eumeralla rivers from Yambuk in the south to beyond Lake Linlithgow in the north. For the Gunditjmara people, the determination is the resolution of their native title applications, first lodged in 1996. The native title of the Gunditjmara people was recognised over most of their application area at Mt Eccles (Budj Bim) National Park in March 2007. For the Eastern Maar people, the determination is the first time they have been recognised as native title holders.

Justice North said the day marked a special achievement for the Gunditjmara and Eastern Maar people. 'By doing justice to the Gunditjmara and Eastern Maar people, the state, the Commonwealth and the other respondents have taken a step to right past wrongs and lay a basis for reconciliation between Indigenous and non-Indigenous Australians'.

Portland Observer (Portland VIC, 25 July 2011), 3. *Herald Sun* (Melbourne VIC, 27 July 2011), 22. *Warrnambool Standard* (Warrnambool VIC, 28 July 2011), 3. *Shepparton News* (Shepparton VIC, 2. *Moyne Gazette* (Moyne VIC, 28 July 2011), 6. *Herald Sun* (Melbourne VIC, 28 July 2011), 20. *Bendigo Advertiser* (Bendigo VIC, 28 July 2011), 12. *Kalgoorlie Miner* (Kalgoorlie WA, 28 July 2011), 4. *Illawarra Mercury* (Wollongong NSW, 28 July 2011), 5. *The Age* (Melbourne Vic, 28 July 2011), 8. July 2011), 13. *The Standard* (Warrnambool VIC, 27 July 2011), 3. *The Age* (Melbourne VIC, 27 July 2011), 6. *Lawyers Weekly* (Australia, 5th August 2011) 6. *National Indigenous Times* (Malua Bay NSW, 4th August 2011) 27

12/08/11
Wadi Wadi, Wamba Wamba and Barapa Barapa native title claim negotiations underway
Wadi Wadi, Wamba Wamba and Barapa Barapa traditional owners have had a native title application before the Federal Court for more than ten years. On Friday 12 August to Sunday 14 August traditional owners attended a meeting in Swan Hill where a team of approximately twenty people representing the three groups was formed to negotiate a settlement with the State government of Victoria.

Signatory to the original native title claim, Gary Murray said the team would seek 'tangible outcomes' in talks expected to take about twelve months. The group's lawyer Tony Kelly said if the settlement was successful the native title claim would be withdrawn. He said many of the outcomes from the meeting were confidential and would be important in the upcoming negotiations with the State. The negotiating team will hold its first meeting with government representatives on 19 August 2011. *Swan Hill Guardian* (Swan Hill VIC, 12th August 2011), 1, 3. *Northern Times* (Kerang VIC, 12th August 2011), 3.

Indigenous Land Use Agreements (ILUAs)

REGISTRATION DATE	TRIBUNAL FILE NO.	NAME	TYPE	STATE OR TERRITORY	SUBJECT-MATTER
5/7/2011	WI2011/004	Bidyadanga Initial Works ILUA	BCA	WA	Consultation protocol, Government; Infrastructure
7/7/2011	QI2011/001	Palm Island Improved Land Management Practices ILUA	AA	QLD	Consultation protocol; Development; Government; Infrastructure
11/7/2011	QI2011/003	Hancock Alpha Coal Project ILUA (Jangga Area)	AA	QLD	Mining
11/7/2011	QI2011/004	Hancock Alpha Coal Pty Ltd & Birri Native Title Claim Group ILUA	AA	QLD	Mining
14/07/2011	QI2010/041	Waanyi People Boodjamulla National Park ILUA	AA	QLD	Access
21/07/2011	VI2011/001	NGMA Regional Mining / Exploration ILUA	AA	VIC	Mining; Exploration
21/07/2011	DI2011/003	Delamere Indigenous Land Use Agreement	AA	NT	Access
22/07/2011	WI2011/003	Hope Downs 4 Corridor Agreement	AA	WA	Infrastructure; Mining
25/07/2011	QI2011/005	Wanyurr Majay People Protected Areas ILUA	AA	QLD	Access; Co-management; Government
27/07/2011	DI2011/002	Irretety Community Living Area ILUA	AA	NT	Community Living Areas
28/07/2011	QI2010/042	Port Curtis Coral Coast and Australia Pacific LNG Pty Limited ILUA	AA	QLD	Pipeline
29/07/2011	WI2011/005	RTIO Ngarluma Indigenous Land Use Agreement (Body Corporate Agreement)	BCA	WA	Development; Infrastructure; Mining
01/08/2011	SI2011/001	Yankaninna/Balparana ILUA	BCA	SA	Access
04/08/2011	WI2011/001	Thalanyji and Nanutarra Station Indigenous Land Use Agreement	BCA	WA	Access
04/08/2011	WI2011/002	Thalanyji and Uaroo Station Indigenous Land Use Agreement	BCA	WA	Access
08/08/2011	QI2011/002	Dugalunji Camp ILUA	AA	QLD	Development

22/08/2011	QI2011/006	Djiru People Tenure Resolution ILUA	AA	QLD	Tenure resolution
22/08/2011	QI2011/007	Djiru People Protected Areas ILUA	AA	QLD	Government
22/08/2011	QI2011/008	Djiru People & Ergon Energy ILUA	AA	QLD	Infrastructure

This information has been extracted from the Native Title Research Unit ILUA summary: http://ntru.aiatsis.gov.au/research/ilua_summary.html, 1 September 2011. For further information about native title determinations contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

Determinations

DATE	SHORT NAME	CASE NAME	STATE OR TERRITORY	OUTCOME	LEGAL PROCESS
04/07/2011	Quandamooka People #1	*Ian Delaney on behalf of the Quandamooka People #1 v State of Queensland* (unreported, FCA, 4 July 2011, Dowsett J)	QLD	Native title exists in parts of the determination area	Consent determination (conditional)
04/07/2011	Quandamooka People #2	*Ian Delaney on behalf of the Quandamooka People #2 v State of Queensland* (unreported, FCA, 4 July 2011, Dowsett J)	QLD	Native title exists in parts of the determination area	Consent determination (conditional)
13/07/2011	Neutral Junction	*Kngwarraye on behalf of the members of the Arnerre, Wake-Akwerlpe, Errene and Ileyarne Landholding Groups v Northern Territory of Australia* [2011] FCA 765	NT	Native title exists in parts of the determination area	Consent determination
14/07/2011	Kurundi	*Jungarrayi on behalf of the Mirtartu, Warupunju, Arrawajin and Tijampara Landholding Groups v Northern Territory of Australia* [2011] FCA 766	NT	Native title exists in parts of the determination area	Consent determination
14/07/2011	Waanyi Peoples	*Aplin on behalf of the Waanyi Peoples v State of Queensland (No 3)* [2010] FCA 1515	QLD	Native title exists in the entire determination area	Litigated determination
26/07/2011	Juru (Cape Upstart) People	*Prior on behalf of the Juru (Cape Upstart) People v State of Queensland (No 2)* [2011] FCA 819	QLD	Native title exists in the entire determination area	Consent determination (conditional)
27/07/2011	Gunditjmara & Eastern Maar	*Lovett & Ors on behalf of the Gunditjmara and Eastern Maar peoples v State of Victoria & Ors* (unreported, FCA, 27 July 2011, North J)	VIC	Native title exists in parts of the determination area	Consent determination

This information has been extracted from the Native Title Research Unit Determinations summary: http://ntru.aiatsis.gov.au/research/determinations_summary.html , 1 September 2011. For further information about native title determinations contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

Featured items in the AIATSIS Catalogue

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

The cataloguing of Native Title Research Unit research continues with links being added or updated. The listing below includes items that have come from earlier native title conferences. For all Native Title Research Unit publications, enter the query term, 'ntru' into the search box of the AIATSIS MURA online catalogue.

Check the AIATSIS online exhibit, To 'Remove and Protect', for more additions to Protectors' Reports. http://www1.aiatsis.gov.au/exhibitions/removeprotect/index.html .

AIATSIS has copies on CD, available in-house, of the following Commonwealth Electoral Rolls:
NSW 1913, 1935; SA 1939, 1941,1943; Tasmania 1934, 1943; Vic. 1939; WA 1939, 1949.

The *Koori Mail* is now available online. Go to http://www.aiatsis.gov.au/koorimail/index.html.

AIATSIS Library has received the following microfiche copies:

- *Northern Territory land orders* [microform] : Adelaide register : allotment selected during month of May 1871-November 1873. [Winnellie, N.T. : Genealogical Society of the Northern Territory, 1988].
- *Northern Territory pastoral permits from 17/11/1902 to 14/04/1924* [microform]. [Winnellie, N.T. : Genealogical Society of the Northern Territory, 1988].
- *NT gold mining/mineral lands/pastoral leases/pearling [microform].* [Winnellie, N.T. : Genealogical Society of the Northern Territory, 1988].
- *NT land applications various [microform]*.<Darwin> : Genealogical Society of the Northern Territory, 1988?
- *NT land orders/Adelaide & London registers, 1870 ballot [microform].* [Winnellie, N.T. : Genealogical Society of the Northern Territory, 1988].

Audiovisual material of interest to native title includes:

Photographs

PINK.O4.BW
A collection of 142 negatives of black and white image of men preparing for ceremonies in the Granites area, NT taken by Olive Pink in the 1930s.

DUSTING.E01.CS
A collection of 128 colour slides taken by Miss Ellestan Dusting, Personal Secretary to the Minister for Territories, Paul Hasluck, during visits to various Aboriginal communities in Queensland and Northern Territory between 1956 and 1961.

Video

(Both under AIATSIS_055)

Interviews with Alo Tapim and James and Mary Rice in 2007 about the Mabo case. 43 minutes. (DAC0000046_0002)

McRose Elu presents her paper on 'Global Warming and the Torres Strait Worldview'. 2007.(DAC0000046_0009)

Sound recordings

A collection of 13 hours of recordings made by Luise Hercus from 1995-1999 in the Ninpinna and Cunnamulla areas.

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THE NATIVE TITLE RESEARCH UNIT

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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

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