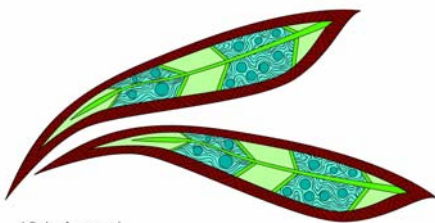


But

# Native Title Newsletter

March/April, No. 2/2009

## WHAT'S NEW



10th Annual  
NATIVE TITLE CONFERENCE 2009  
SPIRIT OF COUNTRY • LAND • WATER • LIFE  
*Bunji Aka: Bik, Paen, Mooroop*

See the Native Title Conference webpage for information about sponsorship, registration and accommodation

<http://ntru.aiatsis.gov.au/conf2009/conference2009a.html>

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

Native Title Research Unit, AIATSIS

# Annual Native Title Conference 2009 Spirit of Country: Land, Water, Life

By Cynthia Ganesharajah, Research Officer NTRU

The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) and Native Title Services Victoria (NTSV) invite registrations for the 2009 Native Title Conference to be held in Melbourne, from Wednesday 3 June to Friday 5 June 2009. The Conference will be hosted by the Wurundjeri people.

The Native Title Conference is now in its tenth year! Over the past ten years the Conference has provided invaluable opportunities for networking, information sharing and capacity development between staff and council of the native title representative bodies, native title claimants and holders, their legal counsel, native title practitioners such as anthropologists, government institutions and departments, politicians, judges, academics and Indigenous community members.

The theme in 2009 is Spirit of Country: Land, Water, Life. The focus of the Conference will be on responding to the rights and aspirations of Traditional Owners in a way that secures the long term economic and social benefits for Indigenous communities.

Les Malezer will deliver the annual Mabo Lecture. As with previous conferences, there will be Indigenous Talking Circles. The first day of the Conference offers pre-conference workshops for native title representative bodies, service providers and native title groups. The second and third days are open to the public. The programs are available at:  
<http://ntru.aiatsis.gov.au/conf2009/NativeTitleConference2009/program.html>

The Native Title Conference remains the largest Indigenous policy conference in Australia.

For further information please visit our website:  
<http://ntru.aiatsis.gov.au/conf2009/NativeTitleConference2009/index.html>

# Additional Funding for Native Title System

By Cynthia Ganesharajah, Research Officer NTRU

In this year's Budget an additional \$50.1 million will be provided over four years to build a more efficient native title system. This funding was allocated in response to the recommendations of a review of funding for the native title system in 2008 which found that the system required additional funding to function effectively.

The additional funding includes \$45.8 million to improve the capacity of Native Title Representative Bodies (NTRBs) to represent native title claimants and holders. A further \$4.3 million will be allocated to improving claims resolution by working with State and Territory Governments to develop new approaches to the settlement of claims through negotiated agreements.

The additional funding has three key aims. First, to ensure the native title system focuses on achieving resolution through agreement-making rather than costly and protracted litigation. Second, to aid NTRBs in the provision of services to meet the needs of native title claimant groups, and to negotiate agreements that ensure sustainable long term economic and social benefits for Indigenous Australians. Finally, it is hoped that providing extra support to the native title system will help the Government close the gap between Indigenous and non Indigenous Australians.

The funding marks a new Government focus on a more flexible and less legalistic approach to native title, where the focus is on negotiated agreements that provide a range of benefits to traditional owners

This information is taken from a Government media release: R McClelland (Attorney General) and J Macklin (Minister for Families, Housing, Community Services & Indigenous Affairs), *Additional \$50 million for native title system*, media release, 12 May 2009.

## Case Note:

### *Adnyamathanha No 1 Native Title Claim Group v The State of South Australia;* *Adnyamathanha No 1 Native Title Claim Group v The State of South Australia (No 2)*

My people have always known that this land always was and always will be Adnyamathanha land, but to have this recognised by all of the other stakeholders is a huge achievement. All of our hard work has now come to fruition.<sup>1</sup>

On 30 March 2009 the native title rights and interests of the Adnyamathanha people were recognised. The Federal Court registered three consent determinations over areas of land in South Australia. The claim is the largest to be determined in South Australia.

#### The Consent Determinations

The first case, *Adnyamathanha No 1 Native Title Claim Group v The State of South Australia*<sup>2</sup> concerned an application for separate determinations of native title under section 61(1) *Native Title Act 1993* (Cth). It was proposed that the first claim, relating to a substantial area in South Australia, be subject to two consent determinations, one over a large part of the claim and another over the smaller Angepena area covered by one of the pastoral leases in the claim.

The reasoning behind the decision to have two separate consent determinations was that it would result in a mutually satisfying outcome in a timely and efficient manner, given the complex and varied nature of the proposed land uses in Angepena. Further, the work and negotiations conducted in relation to Angepena were specific to the area. Thus, the court ordered that the hearing of the proposed consent determinations be confirmed for a later date, with a separate consent determination to be entered in relation to Angepena Station. These claims form the basis of the second case,

<sup>1</sup> Vince Coulthard, Chairperson of the Adnyamathanha Traditional Land Association, *Aboriginal Way*, Issue No.37, March 2009, p1.

<sup>2</sup> [2009] FCA 358.

*Adnyamathanha No 1 Native Title Claim Group v The State of South Australia (No 2)*<sup>3</sup>

In the second case, Justice Mansfield of the Federal Court made three determinations of native title in response to the applications for consent determinations. As mentioned above, the applications were made after reaching an agreement that native title exists in some parts of the claim areas and has been extinguished in others. The parties also agreed on the native and extent of the native title rights and interests (these are outlined below).

The applications were made under sections 87 and 87A of the NTA. Section 87 sets out the Federal Court's power to make orders sought by the consent of the parties. Section 87A sets out the power to make orders sought by consent of the parties to make a determination for part of an area. Justice Mansfield found that the required period under both provisions had elapsed, and other requirements relating to filing of documents had been met.

As the orders sought concerned a determination of native title, they had to comply with section 94A NTA which specifies that the proposed orders must contain the details mentioned in section 225. Section 225 requires, amongst other things, specification of the details of the nature and extent of native title rights and interests in relation to the determination area. 'Native title rights and interests' are defined in section 223(1) as:

the communal, group or individual rights and interests of Aboriginal peoples...in relation to land or waters, where:

- (a) the rights and interests are possessed under the traditional acknowledged, and the traditional customs observed, the Aboriginal peoples...; and
- (b) the Aboriginal peoples..., by those laws and customs, have a connection with the land or waters; and
- (c) the rights and interests are recognised by the common law of Australia.

Justice Mansfield held that the material relied upon by the applicants, and the terms of the proposed consent determinations, adequately addressed the requirements of sections 223(1) and 225.

Specifically, the Adnyamathanha people and their society were clearly identified (this was despite the term

<sup>3</sup> [2009] FCA 359.

'Adnyamathanha' referring to a large group with separately identifiable language groups). Also, there had been,

substantially uninterrupted observance of traditional laws and customs since sovereignty, albeit not necessarily homogenous in the level of its observance, and notwithstanding varying levels of knowledge and enforcement amongst the Adnyamathanha people.<sup>4</sup>

Moreover, Justice Mansfield described the continued use of the Adnyamathanha language, and the ongoing knowledge of muda or Dreaming traditions as 'strong identifier[s] of ongoing Adnyamathanha custom and identity'.<sup>5</sup>

Although a late objection was made by a pastoralist who did not consent to the determination, Justice Mansfield decided to proceed with the hearing of the application for consent determinations for two reasons. First, there a range of prescribed notification procedures in the NTA which the pastoralist did not seek to utilise at any time. Second, the pastoralist was aware of the Adnyamathanha claim and could have expressed any concerns at an earlier time.

#### Native Title Rights and Interests

The native title rights and interests, subject to later paragraphs, are rights to use, stay on and enjoy the land and waters of on the determination areas.

These rights and interests include: the right to access and move about the area; the right to live, to camp and to erect shelters; the right to hunt and fish; the right to gather and use the natural resources such as food, plants, timber, resin, ochre and soil; the right to cook and to light fires for cooking and camping purposes, the right to use the natural water resources; the right to distribute, trade or exchange the natural resources; the right to conduct ceremonies and hold meetings; the right to engage in and participate in cultural activities; the right to carry out and maintain burials of deceased native title holders and of ancestors; the right to teach the physical and spiritual attributes of locations and sites; the right to visit, maintain and preserve sites and places of cultural or spiritual significance; the right to speak for and make

<sup>4</sup> *Adnyamathanha No 1 Native Title Claim Group v The State of South Australia (No 2)* [2009] FCA 359, Mansfield J, [28].

<sup>5</sup> *Adnyamathanha No 1 Native Title Claim Group v The State of South Australia (No 2)* [2009] FCA 359, Mansfield J, [29].

decisions in relation to the use and enjoyment of the area by Aboriginal people who recognise themselves to be governed by the traditional laws and customs acknowledged by the Native Title Holders; and the right to be accompanied on to determination the area by other people.<sup>6</sup>

#### Overall

Overall, as noted by the CEO of South Australian Native Title Services (SANTS) Parry Agius:

There is a lot to celebrate, but we should also recognise that it took ten years of hard work and that demonstrates, that without doubt, there is room for improving the process to make native title work better and more efficiently ... There is also clearly a need to challenge negative attitudes to native title that unfortunately persist and we must continue to work at that.<sup>7</sup>

## Aboriginal and Torres Strait Islander Social Justice Commissioner *Native Title Report 2008*: Summary

By Cynthia Ganesharajah, Research Officer NTRU

This article is extracted from the summary contained within the *Native Title Report 2008*.

Each year the Aboriginal and Torres Strait Islander Social Justice Commissioner delivers a *Native Title Report* to the Federal Parliament. In these reports the Commissioner, 'gives a human rights perspective on native title issues

<sup>6</sup> For the entire list see Annexure A, paragraph 7.

<sup>7</sup> Parry Agius, SANTS Chief Executive, *Aboriginal Way*, Issue No.37, March 2009, p1.



and advocates for practical co-existence between Indigenous and non-Indigenous groups in using land'.<sup>8</sup>

The 2008 Native Title Report is concerned with two main topics; changes to native title law and policy and native title and climate change and water policy. It includes two case studies that demonstrate the potential impact of climate change on the human rights of Torres Strait Islanders and the Indigenous nations of the Murray-Darling Basin.

Chapter 1 discusses the impact of significant events concerning Aboriginal and Torres Strait Islander peoples on native title. Such events include the National Apology, the indication of support for the UN Declaration on the Rights of Indigenous Peoples, and the active attempts by the Attorney General and Federal, State and Territory Ministers to develop a new relationship between Indigenous and non Indigenous Australians.

Chapter 2 examines the practical effects of the 2007 changes to the native title system. The changes examined include the relationship between the National Native Title Tribunal and the Federal Court, the impact of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), and amendments to the registration test, Native Title Representative Bodies, respondent funding and Prescribed Bodies Corporate. The chapter concludes with suggestions for further improvement to the native title system.

Chapter 3 considers three key native title cases decided in 2007-2008, *Noongar*,<sup>9</sup> *Rubibi*<sup>10</sup> and *Griffiths*.<sup>11</sup> It also discusses the *Blue Mud Bay case* which relates to the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth). These cases highlight the human rights impacts of the native title and land rights system on Aboriginal and Torres Strait Islander peoples.

Chapter 4 analyses international and domestic climate change policy, in order to highlight mechanisms that can

be used to address the relationship between climate change and Indigenous peoples' rights and interests.

Chapter 5 contains suggestions for strategies to prepare for the impact of climate change on Indigenous peoples. It also discusses opportunities that may arise from climate change and the way these opportunities may be taken. Finally, the chapter explores existing work undertaken by Indigenous people around climate change.

Chapter 6 highlights the specific concerns of Indigenous people in relation to water. This includes addressing pressures and being able to access opportunities to work with governments on water management. Other issues considered include access to cultural water rights and lack of protection of these rights.

Chapter 7 considers the lack of protection of Indigenous peoples' knowledge in the context of climate change and water. It examines the need for a mechanism, or protection regime, for the use, access and ownership of Indigenous knowledge.

The *Native Title Report 2008* provides an important opportunity to reflect on native title developments within a human rights framework. Furthermore, it provides critical thinking in relation to the unavoidable impact of climate change and water policy on native title, and consequently, the rights and interests of Aboriginal and Torres Strait Islander peoples.

<sup>8</sup> Australian Human Rights Commission, *Native Title Reports*, Australian Human Rights Commission, viewed 8 May 2009, [http://www.hreoc.gov.au/social\\_justice/nt\\_report/index.html](http://www.hreoc.gov.au/social_justice/nt_report/index.html).

<sup>9</sup> *Bodney v Bennell* [2008] FCAFC 63 (23 April 2008).

<sup>10</sup> *Western Australia v Sebastian* [2008] FCAFC 65

<sup>11</sup> *Griffiths v Minister for Lands, Planning and Environment (Northern Territory)* [2008] HCA 20 (15 May 2008).

# Native Title Research and Access: Assistance with Native Title Claim Preparation

By Grace Koch, Research and Access Officer NTRU

**Services offered to Native Title Researchers at the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)**

When you begin work on a native title claim, please consider contacting the AIATSIS Native Title Research and Access Officer, Grace Koch, who can advise on AIATSIS holdings relevant to your claim and who has experience working on both native title claims and claims lodged under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

The AIATSIS Library and Audiovisual Archives contain some of the most comprehensive collections of material in Australia about and by Australian Indigenous people. Many of these items are held uniquely at AIATSIS.

Most of the information on this material is accessible through Mura, the on-line catalogue. All entries can be accessed by language group and geographical area, which is a unique feature of the catalogue. A thesaurus of language names helps to ensure that alternate spellings are recognised.

## **In house service to Native Title clients**

The Native Title Research and Access Officer works solely with native title clients, offering a range of services to help them find what they need at the Institute. Requests may be made both by Institute visitors and remote clients.

Clients may do their own searches either remotely or at AIATSIS. Alternatively, a list of search terms can be sent

to the Native Title Research and Access Officer, who can prepare a listing of all relevant material. Please provide information on the geographical spread of the claim, names of claimants and related family groups, language groups, and any historical detail about removals or missions or reserves so that the Officer may be able to find what you need. At present, some material from the Audiovisual Archive is not yet listed on the Web catalogue; however the Native Title Research and Access Officer has access to all listings and can make a comprehensive search. The completed searches can be posted or sent via email.

## **Print collections**

Once relevant material has been identified, it may be accessed at the Institute free of charge or copies may be made for a fee. For external users, the charge per page of photocopying is 30 cents per page. Clients may make their own copies at the Institute for 20 cents per page. Copies must be made in accordance with the *Copyright Act 1968* (Cth) and within the conditions of access as set by the depositors. A large proportion of the Library's holdings are in the form of published material available in open stacks; however there is a considerable collection of original manuscripts, rare books, personal papers, microfilm, rare serials and language materials held in a special room away from clients. The Native Title Research and Access Officer can assist clients in gaining access to this material; however it is best to request such information in advance by email or by phone before visiting the Institute.

## **Audiovisual collections**

Native title researchers can find much valuable documentation for their claims within the Audiovisual Archives. Recordings and images can show important aspects of land ownership and tenure. Listings of much of this material are available on Mura, the web-based catalogue; contact the Native Title Research and Access Officer for complete searches. Visitors and remote clients can order up to 50 images or 15 tapes per request. Copies of film and video holdings can be arranged with the Native Title Research and Access Officer. Please see the AIATSIS web site for charges. Researchers visiting the Institute can arrange, through the Native Title Research and Access Officer, an appointment to view or to listen to the material in-house.

The Family History Unit gives research support to Indigenous clients who are in the process of tracing their own family histories. Although Native Title clients work with the Native Title Research and Access Officer,

sometimes it is helpful for them to seek guidance from the Family History Unit, which is located next to the Library.

Please contact Grace Koch, Native Title Research and Access Officer, at [grace.koch@aiatsis.gov.au](mailto:grace.koch@aiatsis.gov.au) or by phone at 02 6246 1103.

## What's New

### Recent Cases

#### Australia

##### *Adnyamathanha No 1 Native Title Claim Group v The State of South Australia [2009] FCA 358*

See Case Note above.

##### *Adnyamathanha No 1 Native Title Claim Group v The State of South Australia (No 2) [2009] FCA 359*

See Case Note above.

##### *Brown v State of South Australia [2009] FCA 206*

This case was a native title determination application. There were two issues in the case. First, was the group identified in the application a native title claim group under section 61 of the *Native Title Act 1993* (Cth) ('NTA'). It was held that the applicant's family group was not a native title claim group but rather a subgroup or a group larger than specified in the application. Second, was the applicant authorised by the native title claim group to make the application. On this point it was found that the applicant did not meet the authorisation requirements under section 251B. For these two reasons the native title determination application was struck out under section 84C NTA.

##### *FMG Pilbara Pty Ltd v Cox [2009] FCAFC 49*

The case concerned a review of a finding by the National Native Title Tribunal (NNTT) that a party did not fulfil its obligation to negotiate in good faith. It was concerned with the scope of the obligation to negotiate in good faith,

in particular the relevance of the stage of negotiations and if there was a requirement to negotiate specifically about a future act. The Court held that the applicant fulfilled its obligation to negotiate in good faith and the Tribunal had the power to conduct an inquiry and make a determination under section 38 *Native Title Act 1993* (Cth) (NTA). Accordingly, the Court allowed the appeal and ordered that the decision of the NNTT be set aside.

##### *Hunter on behalf of the Wiri People No 2 v State of Queensland [2009] FCA 325*

This case concerns an application that failed the registration test. There was a notice on the Court's own motion requiring the applicant to show cause why the application should not be dismissed pursuant to section 190F(6) *Native Title Act 1993* (Cth). Under section 190F(6) applications may be dismissed if two conditions precedent are met. These are that (i) the application has not been amended since registration and is unlikely to be amended in way that would lead to a different outcome and (ii) in the court's opinion there is no reason why the application should not be dismissed. Here the court found that the conditions had been met. Also, there was an additional basis for dismissal namely, multiple defaults of appearance by the applicant.

##### *Margarula v Northern Territory of Australia [2009] FCA 290*

In this case the judge disqualified himself from further hearing or determining the proceeding. The reason for the disqualification was that the judge, whilst previously working as a solicitor, had given advice in relation to one of the issues likely to arise during the native title claim. Although the judge did not personally feel the apprehension of bias principle applied, he nevertheless considered it prudent to decline to continue to deal with the application. The proceedings were still at an early stage and it would be relatively simple to organise another judge rather than continuing with the possibility of being overruled by the Federal Court and wasting public resources.

*Smith on behalf of the Southern Barada & Kabalbara People v State of Queensland*  
[2009] FCA 285

This case concerns an application for an extension of time to comply with two previous orders made by the court. The orders primarily related to amendment of the native title application in order to clarify membership of the native title claim group. It was held that failure to comply and clarify the claim group was a deficiency of a fundamental kind. Thus the proceedings were dismissed as of the 13<sup>th</sup> or 14<sup>th</sup> February 2009. The application for a time extension was dismissed and the proceedings were not reinstated.

## International

*Carrier Sekani Tribal Council v British Columbia (Utilities Commission), 2009 BCCA*  
67

In this case the broad general principles of the Crown's duty to consult and, if necessary, accommodate Aboriginal interests were applied to a concrete set of circumstances.

*Kwikwetlem First Nation v British Columbia (Utilities Commission), 2009 BCCA*  
68

This appeal under s. 101 of the *Utilities Commission Act*, R.S.B.C. 1996, c. 473, questions British Columbia Utilities Commission's approach to the application of the principles of the Crown's duty to consult about and, if necessary, accommodate asserted Aboriginal interests on an application under s. 45 of that *Act*, for a certificate of public convenience and necessity for a transmission line project proposed by the respondent, British Columbia Transmission Corporation.

*William v British Columbia (HMTQ), 2009*  
*BCCA* 83

In this case a trial judge's stay was lifted on appeal proceedings after a very long Aboriginal claims trial. Trial judge's order raises issues of public interest and of importance to Aboriginal law. Settlement discussions among the parties, unsuccessful after a year can, continue while the appeal moves forward.

*Wolfchild v U.S. 2008 CAFC 5018*

The court determined that self-described "lineal descendants" of the Loyal Mdewakanton Dakota are not owed money for land promised to their ancestors in the late 1800s.

## Reports

### *Native Title Report 2008*

Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner

The report is focused on two main topics. First, there is an overview of changes to native title law and policy, and a summary of native title cases that were heard during the reporting period. The second half of the report focuses on climate change and water policy, and makes a number of recommendations aimed at heightening Indigenous participation and engagement in these policy areas. The report also includes two case studies which demonstrate the potential impacts of climate change on the human rights of Torres Strait Islanders and the Indigenous nations of the Murray Darling Basin.

The report is available at:

[http://www.humanrights.gov.au/social\\_justice/nt\\_report/ntreport08/](http://www.humanrights.gov.au/social_justice/nt_report/ntreport08/)

## NTRU Publications

Ganesharajah, C., 'Indigenous Health and Wellbeing: The Importance of Country', Native Title Research Report No. 1/2009, 2009, Native Title Research Unit, Australian Institute for Aboriginal and Torres Strait Islander Studies: Canberra.

## Books

Atkinson, W., 'Reflections on the Yorta Yorta native title claim, 1994-2003' in A Gunstone (ed), *History, politics & knowledge: essays in Australian Indigenous studies*, Australian Scholarly Publishing, Melbourne, 2008.

Hunt, M., *Mining Law in Australia*, The Federation Press, Annandale, NSW, 2009.

Jones, C., 'Apples and oranges: the intersection of Aboriginal law and native title mediation' in A Gunstone



(ed), *History, politics & knowledge: essays in Australian Indigenous studies*, Australian Scholarly Publishing, Melbourne, 2008.

Stanner, W.E.H., *The dreaming & other essays*, Black Inc. Agenda, Melbourne, 2009.

Neate, G., (ed) *Native title casenotes, 1971-2007*, LexisNexis, Chatswood, NSW, 2009.

## Papers

Australian Law Reform Commission, 'Native Title', *Reform*, Issue 23, 2009.

Behrendt, J., 'The Wagga land claim: *Minister Administering the Crown Lands Act v NSW Aboriginal Land Council* [2008] HCA 48', *Indigenous Law Bulletin*, vol.7, no.9, 2008, pp.22-25.

Burnside, S, 'We're from the mining industry and we're here to help: the impact of the rhetoric of crisis in future act negotiations', *Australian Indigenous Law Review*, vol.12, no.2, 2008, pp.54-66.

Koch, G., 'Music and land rights: archival recordings as documentation for Australian Aboriginal land claims', *Fontes Artis Musicae*, vol.55, no.1, 2008, pp.155-164.

'Minister Administering the Crown Lands Act v NSW Aboriginal Land Council', *Australian Indigenous Law Review*, vol.12, no.2, 2008, pp.84-85.

Neate, G., 'Improving and using the native title scheme – visions and dreams for the future', paper presented at the 3<sup>rd</sup> Annual Negotiating Native Title Forum, Melbourne, 19 February 2009.

Nettheim, G., 'International law and native title in Australia', *The University of Queensland Law Journal*, vol.27, no.2, 2008, pp.167-192.

'Northern Territory v Arnhem Land Aboriginal Land Trust', *Indigenous Law Review*, vol.12, no.2, 2008, pp.82-83.

O'Dea, D., 'Negotiating consent determination – cooperative mediation – the Thalanyji experience', paper presented at the 3<sup>rd</sup> Annual Negotiating Native Title Forum, Melbourne, 19 February 2009.

Secher, U., 'Implications of the crown's radical title for statutory regimes regulating the alienation of land: 'crown land' v 'property of the crown' post-*Mabo*', *Monash University Law Review*, vol.34, no.1, 2008, pp9-52.

Young, S., 'One step forward and one step back: the Noongar south-west native title claim', *Australian Property Law Bulletin*, vol.23, no.2, 2008, pp.14-17.

## Native title in the News

### National

Apr-09 NATIONAL **Title proof plan** The Federal Government is considering a proposed change to the native title claim system. The change would shift the burden of proof for connection from Aboriginal applicants to States, Territories etc. *Burnie Advocate*, (Burnie TAS, 11 April 2009), 24. *Bendigo Advertiser*, (Bendigo VIC, 11 April 2009), 14. *Northern Daily Leader*, (Tamworth NSW, 11 April 2009), 11. *Sunraysia Daily*, (Mildura VIC, 10 April 2009), 13. *Ballarat Courier*, (Ballarat VIC, 10 April 2009), 13. *Kimberley Echo*, (Kununarra WA, 23 April 2009), 7.

Mar-09 NATIONAL **Native Title Amendment Bill Introduced** Attorney-General Robert McClelland introduced the *Native Title Amendment Bill 2009* (Cth) into Parliament last week. The Bill will give the Federal Government authority over the whole process of native title claims. The Government claims that this will ensure greater efficiency. *Lawyers Weekly*, (National AU, 27 March 2009), 4.

Mar-09 NATIONAL **Green light for Aboriginal deals** Aboriginal landowners across NSW will be able to initiate deals with developers and unlock the value in up to \$2 billion worth of land under major reforms planned by the Rees Labor Government. *Australian*, (Australian, 10 March 2009), 4.

Mar-09 NATIONAL **Aborigines told to swap land rights for new homes** Under the Rudd Government's controversial plan, Aboriginal people living in remote areas throughout Australia will not receive a portion of \$2 billion in new housing money unless they sign away their land rights for at least 40 years. *NSW Indigenous*

leaders have called the plan authoritarian and insulting. *Sydney Morning Herald*, (Sydney, 6 March 2009), 8.

## New South Wales

### Mar-09 NSW Native title claim on skate facility

Skateboarders at Brunswick Heads will get their own skate park as soon as a native title claim at the site is settled. *Tweed Sun*, (Tweed Heads NSW, 19 March 2009), 68.

### Mar-09 NSW Tough but fair for land dealings

Developers wanting to do business on Aboriginal land in NSW will potentially face tougher but clearer conditions under proposed changes to the Aboriginal Land Rights Act. *Sydney Morning Herald*, (Sydney, 5 March 2009), 5.

## Northern Territory

### Mar-09 NT Cox Peninsula land claim on hold

Development of the Cox Peninsula and Federal approval of the Kenbi Land claim may not be resolved anytime soon, Indigenous Affairs Minister Jenny Macklin has indicated. *Sunday Territorian*, (Darwin NT, 15 March 2009), 2. *Northern Territory News*, (Darwin NT, 12 March 2009), 2.

### MAR-09 NT Where are the mining millions?

Australia's Central Land Council (CLC) has failed to reveal to Parliament the details that were requested by NT Senator Nigel Scullion about mining royalty payments. In the last three years \$23.5 million was paid to Aboriginal people. *Alice Springs News*, (Alice Springs NT, 5 March 2009), 1.

### Mar-09 NT NTCA discuss Native Title, medivac at AMG

The Katherine branch of the Northern Territory Cattlemen's Association held its annual AGM meeting last week. It was attended by people from the pastoral industry in the Katherine region. With possible native title resolutions, a number of stations in the Katherine region are expected to be affected. *Katherine Times*, (Katherine NT, 4 March 2009), 11.

## Queensland

Apr-09 QLD 200th ILUA is now registered Queensland has registered its 200th Indigenous Land Use Agreement with the National Native Title Tribunal. *North Queensland Registrar*, (Qld, 9 April 2009), 14.

### Mar-09 QLD Meeting for group under administration

Meetings will be held on Monday, March 23, to cancel the constitution of a Hope Vale registered native title group that has been placed under special administration.

*Cooktown Local News*, (Cooktown QLD, 18 March 2009), 4.

### Mar-09 QLD Funding to develop Aboriginal communities

Representatives of Rio Tinto Coal Australia Pty Ltd were in Barcaldine to speak with Indigenous groups Wangan and Jagaligou people who have native title claims over their Balir Athol and Clermont mines. *Longreach Leader*, (Longreach QLD, 13 March 2009), 7.

## South Australia

### Mar-09 SA Native title awarded over Flinders Ranges

South Australia has recently experienced its largest native title determination in its history. Adnyamathanha people, traditional owners of the Flinders ranges and Gammon Ranges have been awarded non-exclusive rights to 41, 085 square kilometres of land. The returned land includes the Flinders Ranges National Park and Beverley uranium mine near Lake Frome. The determination was awarded by Justice Mansfield.

*Whyalla News*, (Whyalla SA, 6 April 2009), 10. *Roxby Downs Sun*, (Port August SA, 2 April 2009), 4. *Port Pirie Recorder*, (Port Pirie SA, 2 April 2009), 3. *Monitor Roxby Downs*, (SA, 8 April 2009), 4. *Advertiser*, (Adelaide SA, 31 March 2009), 15. *Dailey Liberal*, (Dubbo NSW, 31 March 2009), 7. *Herald Sun*, (Melbourne VIC, 31 March 2009), 10. *Northern Territory News*, (Darwin NT, 31 March 2009), 10. *Sunraysia Daily*, (Mildura VIC, 31 March 2009), 11. *News - Mail*, (Bundaberg QLD, 31 March 2009), 10. *Gympie Times*, (Gympie QLD, 31 March 2009), 6. *Daily News Tweed Heads*, (Tweeds Heads, 31 March 2009), 10. *Barrier Daily Truth*, (Broken Hill NSW, 31 March 2009), 7. *North West Star*, (Mount Isa QLD, 31 March 2009), 9. *Australian*, (Australia, 30 March 2009), 6.

## Victoria

### Apr-09 VIC Lara expansion faces native title 'interests'

A claimant could possibly seek compensation in the region's first native title bid. Indigenous groups have expressed "interest" in exercising native title rights on land earmarked for expansion of Lara's town centre, according to City Hall. The City Council is looking to change a portion of Austin Park from Crown Land to freehold title to facilitate the expansion of Lara's town centre. *Geelong Advertiser*, (Geelong VIC, 24 March 2009), 9. *Geelong Independent*, (Geelong VIC, 42 April 2009), 5.

*Bellarine Independent*, (Victoria, 24 April 2009), 5. *Torquay Independent*, (Melbourne, 24 April 2009), 5

Apr-09 VIC **Council plans for Murray Downs land** It has been suggested by the Wakool Shire Council that land at Murray Downs will be compulsorily acquired for the purposes of subdivision and resale. The planned acquisition will involve the Council calling forth anyone who believes the acquisition would affect their native title rights. *Swan Hill Guardian*, (Swan Hill VIC, 20 April 2009), 3.

Mar-09 VIC **Bid to resolve Howlong claim** Howlong's medical centre project is being delayed by an Aboriginal lands right claim that has been unresolved and apparently forgotten about since 1995. *Border Mail*, (Albury-Woodonga VIC, 20 March 2009), 21. *Border Mail*, (Albury Wodonga VIC, 19 March 2009), 13.

Mar-09 VIC **Delay in decision on native title** A decision on a radical revamp of Victorian native title has been put off due to Victoria's bushfires. Cabinet is now expected to consider a confidential report in April, at least a month later than planned. *Age*, (Melbourne VIC, 18 March 2009), 13.

## Western Australia

Apr-09 WA **Aurox row brews** Ngaluma Aboriginal Corporation has called for Aurox Resources' Balla Balla project to be halted, until an agreement with native title holders is reached. A day after the State Government signed off on the project, Ngarluma claimed there had been a lack of effort to engage with the land's traditional owners. An Aurox spokesman claimed that the negotiations were in compliance with all its native title requirements. *West Australian*, (Perth, 30 April 2009), 43.

Mar-09 WA **LNG deal reached** Traditional owners have signed a landmark agreement with the State Government, bringing the LNG processing hub at James Price Point one step closer. Negotiations have been finalised bringing a historic agreement between State Government and Woodside miner worth up to \$2 billion. *Broome Advertiser*, (Broome WA, 23 April 2009), 1. *Broome Advertiser*, (Broome WA, 23 April 2009), 1. *West Australian*, (Perth, 16 April 2009), 1. *Age*, (Melbourne, 16 April 2009), 3. *Australian*, (Australia, 16 April 2009), 5. *Summaries - Australian Financial Review*, (Australia, 16 April 2009), 5. *Broome Advertiser*, (Broome WA, 30 April 2009), 2.

Apr-09 WA **Agreement finalised** The Kuruma Marthudunera native title group has announced after 12 months of negotiations that it has finalised its financial agreement with CITIC Pacific Mining. *Pilbara News*, (Pilbara WA, 22 April 2009), 8.

Apr-09 WA **Broome native title row resolved** A 15 year native title dispute in Broome has finally been resolved. An agreement to provide compensation, between the WA Government and the Yawuru people has paved the way for future housing and commercial and industrial development in Broome. The agreement will provide compensation to the Yawuru people in return for surrender of native title rights on land covering about 1000 hectares in the Broome region. *Australian*, (Australia, 15 April 2009), 7. *West Australian*, (Perth, 15 April 2009), 11. *Broome Advertiser*, (Broome WA, 923 April 2009), 5. *West Australian*, (Perth, 15 April 2009), 19.

Apr-09 WA **Native title claim registered** The Mantijintarra Ngalia No.2 native title claim, in the North-Eastern Goldfields, has been registered by National Native Title Tribunal after passing the registration test required for new claims under the Native Title Act 1993 (Cth). *Kalgoorlie Miner*, (Kalgoorlie WA, 2 April 2009), 5.

# Applications Lodged with the Federal Court

| DATE FILED | APPLICATION NAME   | APPLICATION TYPE         | STATUS | STATE/TERRITORY    | NNTT FILE NO. | FEDERAL COURT FILE NO. |
|------------|--|--------------------------|--------|--------------------|---------------|------------------------|
| 14/04/2009 | <a href="#">Bigambul People</a>  | Claimant application     | Active | Queensland         | QC09/2        | QUD101/09              |
| 27/03/2009 | <a href="#">Borrooloola Region #2 (Coastal)</a>                                    | Claimant application     | Active | Northern Territory | DC09/1        | NTD5/09                |
| 23/03/2009 | <a href="#">Kullilli People</a>  | Claimant application     | Active | Queensland         | QC09/1        | QUD80/09               |
| 17/03/2009 | <a href="#">North Eastern Wiradjuri People of the Bathurst/Lithgow/Mudgee area</a> | Claimant application     | Active | New South Wales    | NC09/1        | NSD216/09              |
| 17/03/2009 | <a href="#">Wiradjuri Traditional Owners Central West Aboriginal Corporation</a>   | Claimant application     | Active | New South Wales    | NC09/2        | NSD220/09              |
| 17/03/2009 | <a href="#">Gosford City Council #6</a>  | Non-claimant application | Active | New South Wales    | NN09/5        | NSD214/09              |

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/Applications-And-Determinations/Search-Applications/Pages/Search.aspx](http://www.nntt.gov.au/Applications-And-Determinations/Search-Applications/Pages/Search.aspx) accessed 19 May 2009. 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

| APPLICATION NAME   | TRIBUNAL FILE NO. | FEDERAL COURT FILE NO. | DECISION     | DECISION DATE | APPLICATION DATE |
|--|-------------------|------------------------|--------------|---------------|------------------|
| <a href="#">Bandjalang People #1</a>   | NC96/16-2         | NSD6034/98             | Not Accepted | 21/04/2009    | 17/05/1996       |
| <a href="#">Wiradjuri Traditional Owners Central West Aboriginal Corporation</a>   | NC09/2-1          | NSD220/09              | Not Accepted | 17/04/2009    | 17/03/2009       |
| <a href="#">North Eastern Wiradjuri People of the Bathurst/Lithgow/Mudgee area</a> | NC09/1-1          | NSD216/09              | Accepted     | 17/04/2009    | 17/03/2009       |
| <a href="#">Kullilli People</a>  | QC09/1-1          | QUD80/09               | Accepted     | 17/04/2009    | 23/03/2009       |
| <a href="#">Mantjintjarra Ngalia #2</a>  | WC06/6-2          | WAD372/06              | Accepted     | 31/03/2009    | 21/12/2006       |
| <a href="#">Mandandanji People</a>   | QC08/10-1         | QUD366/08              | Accepted     | 30/03/2009    | 06/11/2008       |
| <a href="#">Gudang Yadhaykenu People</a>   | QC08/8-1          | QUD269/08              | Accepted     | 03/03/2009    | 02/09/2008       |

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/Applications-And-Determinations/Registration-Test/Pages/search.aspx](http://www.nntt.gov.au/Applications-And-Determinations/Registration-Test/Pages/search.aspx) accessed 19 May 2009. 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).



# Indigenous Land Use Agreements (ILUAs)

| NAME  | TRIBUNAL FILE NO. | TYPE           | STATE OR TERRITORY | REGISTRATION DATE | SUBJECT MATTER                     |
|---|-------------------|----------------|--------------------|-------------------|------------------------------------|
| <a href="#">Port Curtis Coral Coast Boyne Island and Tannum Sands Land Dealings ILUA</a>                              | QI2008/023        | Area agreement | Queensland         | 02/04/2009        | Extinguishment                     |
| <a href="#">Ewamian / Sporting Shooters Association of Australia Forsyth and District Branch Incorporated IA19452</a> | QI2007/016        | Area agreement | Queensland         | 01/04/2009        | Access Development                 |
| <a href="#">Jangga People/Plath ILUA</a>  | QI2007/027        | Area agreement | Queensland         | 27/03/2009        | Extinguishment                     |
| <a href="#">BGP Fish River ILUA</a>   | DI2007/003        | Area agreement | Northern Territory | 05/03/2009        | Fishing Development Infrastructure |
| <a href="#">BGP Douglas North ILUA</a>  | DI2007/004        | Area agreement | Northern Territory | 05/03/2009        | Access Development Infrastructure  |
| <a href="#">BGP West Ban Ban ILUA</a>   | DI2007/005        | Area agreement | Northern Territory | 05/03/2009        | Access Development Infrastructure  |
| <a href="#">BGP Northern Land Council ILUA</a>  | Di2008/004        | Area agreement | Northern Territory | 05/03/2009        | Access Infrastructure Pipeline     |

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/Indigenous-Land-Use-Agreements/Search-Registered-ILUAs/Pages/Search.aspx](http://www.nntt.gov.au/Indigenous-Land-Use-Agreements/Search-Registered-ILUAs/Pages/Search.aspx) accessed 19 May 2009. 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 OF DETERMINATION | STATE OR TERRITORY | OUTCOME  | LEGAL PROCESS         |
|--|--|-----------------------|--------------------|--|-----------------------|
| <a href="#">Adnyamathanha People No. 2</a>                           | Adnyamathanha No. 1 Native Title Claim Group v The State of South Australia (No.2) <a href="#">[2009] FCA 359</a>  | 30/03/2009            | South Australia    | Native title exists in parts of the determination area | Consent determination |
| <a href="#">Adnyamathanha People No. 1 (Angepena Pastoral Lease)</a> | Adnyamathanha No. 1 Native Title Claim Group v The State of South Australia (No. 2) <a href="#">[2009] FCA 359</a> | 30/03/2009            | South Australia    | Native title exists in parts of the determination area | Consent determination |
| <a href="#">Adnyamathanha People No. 1 (Stage 1)</a>                 | Adnyamathanha No. 1 Native Title Claim Group v The State of South Australia (No. 2) <a href="#">[2009] FCA 359</a> | 30/03/2009            | South Australia    | Native title exists in parts of the determination area | Consent determination |

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/Applications-And-Determinations/Search-Determinations/Pages/Search.aspx](http://www.nntt.gov.au/Applications-And-Determinations/Search-Determinations/Pages/Search.aspx) accessed 19 May 2009. 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).

# Research 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.

Audiovisual material of interest to native title includes:

- A series of 9 collections of colour slides of archaeological site surveys and site excavations in the Northern Territory from 1966 to 1972 made by Rhys Jones (JONES.R17 – JONES.R25).
- A CD of family portraits and living conditions near Armidale from 1957 taken by Marie Hahn.
- A video recording of a Carnarvon mission reunion held in April, 2007 and recorded by Wangka Maya, Pilbara Aboriginal Language Centre.

The AIATSIS Library now has issues of *Early days : journal of the Royal Western Australian Historical Society* (from 1971).

A major collection of papers : slides, field notes, letters, census, genealogy maps and audio tapes pertaining to the Tiwi collected by Jane C. Goodale has been deposited with the AIATSIS Library.

A scoping paper, *Review of the Aboriginal Heritage Act 1988*, and a discussion paper, *Review of the Aboriginal Lands Trust Act 1966*, have come from the Dept. of the Premier and Cabinet, South Australia.

## Anthropology

Memmott, Paul, et al.

'Understanding isolation and change in island human populations through a study of Indigenous cultural patterns in the Gulf of Carpentaria.' *Transactions of the Royal Society of South Australia*, Vol.130, no.1 (May 2006), p. 29-47.

Stanner, W.E.H.

*The dreaming & other essays*. Melbourne: Black Inc. Agenda, 2009.

## Archaeology

Attenbrow, Valerie.

'Emu Tracks 2, Kangaroo and Echidna, and Two Moths: further radiocarbon ages for Aboriginal sites in the Upper Mangrove Creek Catchment New South Wales.' *Australian Archaeology* no.65 (Dec. 2007), p. 51-54.

Brady, Liam

'A middle ground? recent archaeological investigations from the Kaurareg Archipelago, South-Western Torres Strait, Queensland.' *Australian Archaeology* no.65 (Dec. 2007), p. 17-29.

Johnston, Rochelle.

'Excavation of a late Holocene Aboriginal mound at Lake Boort, north west Victoria.' *The Artefact* Vol. 27, (2004), P. 46-58.

Moffat, Ian et al.

'Trialing geophysical techniques in the identification of open Indigenous sites in Australia: a case study from inland Northwest Queensland.' *Australian Archaeology* no.66, (2008), p. 60-63.

Richards, Thomas.

'Chronology and evolution of an Aboriginal landscape at Cape Bridgewater, south west Victoria.' *The Artefact* Vol. 27, (2004), p.97-112.

Veth, Peter et al.

'Dating of Bush Turkey Rockshelter 3 in the Calvert Ranges establishes early Holocene occupation of the Little Sandy Desert, Western Australia.' *Australian Archaeology* no.66, (2008), p. 33-44.

Wallis, Lynley Anne et al.

'Investigations of Aboriginal hearth sites along the Flinders River, inland north west Queensland.' *The Artefact* Vol. 27, (2004), p. 59-76.

Westaway, Michael et al.

'Resolving complex provenance issues through isotopic analysis of human bones and the potential benefits to Aboriginal communities.' *The Artefact* Vol. 27, (2004), p. 91-96.

## Arts and culture

Patrick, Steve Jampijinpa.

'Milpirri: performance as a bridge that joins the ancient with the modern.' *Ngoonjook: Journal of Australian Indigenous Issues*, No. 33 (2008), p. [53] – 60.

Taylor, Luke.

'They may say tourist, may say truly painting': aesthetic evaluation and meaning of bark paintings in western Arnhem Land, northern Australia.' *Journal of the Royal Anthropological Institute* Vol.14, no.4 (Dec. 2008), p. [865]-885.

## Economics

Pearson, Cecil A.L.

'Recruitment challenges of Yolngu Aboriginal groups from remote communities in Australia: a case study fo the Rio Tinto Alcan Gove initiative at Nhulunbuy.' *Journal of Australian Indigenous Issues*, Vol. 11, no. 3 (Sept. 2008), p. 19-36.

Western Australia. Parliament. Legislative Assembly. Education and Health Standing Committee.

*Ways forward - beyond the blame game : some successful initiatives in remote indigenous communities in WA.* Perth, W.A. : Legislative Assembly, Parliament of W.A., 2008.

## Governance

*A voice for Indigenous Victorians : local Indigenous networks and regional Indigenous councils.* [Melbourne] : Aboriginal Affairs Victoria, [2008].

Botsman, Peter.

*Polity, capability, culture : thinking through the next phase of Australian Indigenous affairs.* [Barrengary, N.S.W.] : Peter Botsman, 2007.

Jeffries, Sam.

"Good governance in a traditional sense" or "traditional governance in a good sense".' *Journal of Australian Indigenous Issues*, Vol. 11, no. 4 (Dec. 2008), p. 50-64.

Marks, Greg.

'Coercive governance and remote Indigenous communities: the failed promise of the whole of government mantra.' *Australian Indigenous Law Review*, Vol. 12, No. 1 (2008), p. 2-21.

Noel, Justin.

'Does good governance equal good outcomes?.' *Indigenous law bulletin*, Vol. 6, No. 24 (Dec. 2006 – Jan. 2007), p.20-23.

## History – exploration and accounts

Abbott, Kathy and Elliott, Rosie.

*A history of Aboriginal health workers and Aboriginal community workers NT 1870 – 2007.* [Alice Springs, N.T.] : Central Australian & Barkly Aboriginal Health Worker Association, 2007.

Aplin, Graeme

*A Difficult infant : Sydney before Macquarie.* Kensington, N.S.W. : New South Wales University Press, 1988.

NOTE: Contains: Ross, Anne. 'Tribal and linguistic boundaries: a reassessment of the evidence.'

Central Land Council.

*Dispossessed by the cattle industry Aboriginal Australians' struggle for living areas on pastoral leases in the Northern Territory of Australia.* [1993-2008?].

Crawford, David, ed..

*Boroondara connections : stories of Aboriginal connection by residents of Boroondara : a project of ANTaR.* Boroondara. Balwyn North, Vic. : ANTaR Boroondara, 2008.

Fleming, Tom

*A history of the Aboriginal missions.* [1975-1985?].

Gardner, P.D.

'Two East Gippsland massacres revisited: a study in folk history and its interpretation.' *Oral History Association of Australia Journal* no. 1, (1978-1979), p. 97-105.

McCoy, Brian.

"They weren't separated': missions, dormitories and generational health.' *Health and History* Vol. 9, No. 2 (2007), p. 48-69.

Metters, Faith Kramer

*Outback evangelist : the story of Ernest Kramer.* Norwood, S. Australia : Peacock Publications, 2008.

Rackemann, Neville and Tom Osborne.

*Bundaberg : from pioneers to prosperity.* Bundaberg : Bundaberg City Council, 1992.

Rose, Deborah Bird.

'Hard times: an Australian study.' *Quicksands : foundational histories in Australia and Aotearoa New Zealand* / edited by Klaus Neumann, Nicholas Thomas and Hilary Ericksen, Sydney : UNSW Press, 1999 p. [2]-19.

Rosewarne, Clive et al.

'The historical context of developing an Aboriginal community controlled health service: a social history of the first ten years of the Central Australian Aboriginal Congress.' *Health and History* Vol.9, No.2 (2007), p. 114-143.

Yalata Aboriginal Community.

*Maralinga : the Anangu story. Yalata and Oak Valley Communities; with Christobel Mattingley.* Crows Nest, N.S.W. : Allen & Unwin, 2008.

## Indexes, directories and guides:

Brooks, David.

*The Arrernte landscape : a guide to the Dreaming tracks and sites of Alice Springs.* Alice Springs, N.T. : Institute for Aboriginal Development, 1995, cc1991.

Elphick, Beverley and Don Elphick, comp.

*Menindee Mission Station ; 1933-1949.* Canberra : B. and D. Elphick.

Elphick, Beverley, and Don Elphick, comp.

*Menindee Mission Station 1933-1949 and Carowra Tank Aboriginal School.* 3<sup>rd</sup> edition.

*Guide to sources of assistance and funding for prescribed bodies corporate.* National Native Title Tribunal, 2008.

Lauer, Peter, et. al.  
*Cultural and historical records of Queensland*. [St. Lucia, Qld.] : Anthropology Museum, University of Queensland, 1979-1984.

Pritchard, Stephen.  
*Culture, knowledge, property*. Port Melbourne, Vic. : Australian Scholarly Pub., c2008.

Spencer, Baldwin, Sir.  
*Guide to the Australian ethnological collection exhibited in the National Museum of Victoria*. Melbourne : Public Library, Museums and National Gallery of Victoria, 1915 D.W. Paterson.

### **Intellectual property**

Janke, Terri.  
*Papers on research on Indigenous Cultural and Intellectual Property (ICIP) management model*. [2000-2008].

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

Carter, Rodney.  
'My land :sharing, communicating and building cultural heritage partnerships.' *The Artefact* Vol. 27, (2004), p. 5-7.

*Guidelines for Indigenous participation in natural resource management* [electronic resource] : Indigenous knowledge. Canberra, A.C.T. : Commonwealth of Australia, 2004.  
<http://www.nrm.gov.au/publications/guidelines/pubs/indigenous-participation.pdf>

*Sea forum case study* [electronic resource] : working with Indigenous knowledge in natural resource management. Canberra, A.C.T. : Department of the Environment and Heritage, 2004.  
<http://www.environment.gov.au/coasts/mbp/publications/south-east/pubs/kooyang-plan05.pdf>

Heyward, Madeleine.  
'Common ownership and colonial mentality: the conceptual barriers to effective management of sea country.' *Nginya : talk the law*, Vol. 2 (Nov. 2008), p. 34-48.

*Indigenous knowledge helps manage our land*. [Canberra : Australian Government, 2009], Australian Government NRM Team.

*Mirruwung-Gajerrong cultural planning framework : Mirruwung and Gajerrong peoples' guidelines for developing management plans for conservation parks and nature reserves under the Ord final agreement / endorsed by Yoorooyang Dawang Regional Park Council ; presented by Mirruwung and Gajerrong peoples*. [Perth, W.A.] : Dept. of Environment and Conservation, 2008.

O'Faircheallaigh, Ciaran.  
*Earth matters : Indigenous peoples, the extractive industries and corporate social responsibility*. Sheffield, UK : Greenleaf, c2008.

Rose, Deborah.  
'Indigenous water philosophy in an uncertain land.' *From disaster response to risk management : Australia's national drought policy*; edited by Linda Courtney Botterill and Donald A. Wilhite Dordrecht, The Netherlands : Springer, 2005 p. 37-50.

*Working with Indigenous knowledge in natural resource management : recommendations for Commonwealth agencies*. Canberra, A.C.T. : Commonwealth of Australia, 2004.  
<http://www.environment.gov.au/indigenous/publications/pubs/recommendations.pdf>

*Working with Indigenous knowledge in natural resource management : guidelines for Regional Bodies*. Canberra, A.C.T. : Commonwealth of Australia, 2004.  
<http://www.environment.gov.au/indigenous/publications/pubs/guidelines.pdf>

Yolnuwu Monuk Gapu Wanga Sea Country Plan [electronic resource] : a Yolnu vision and plan for Sea Country Management in North-east Arnhem Land, Northern Territory. : N.T. : Dhimurru Land Management Aboriginal Corporation, 2006.  
<http://www.dhimurru.com.au/Downloads/DhimurruSeaCountryPlan.pdf>

### **Languages and linguistics**

Foundation for Endangered Languages. Conference (11<sup>th</sup> : Kuala Lumpur, Malaysia).  
*Working together for endangered languages : research challenges and social impacts : proceedings of the XIth FEL Conference*, University of Malaya, Kuala Lumpur, Malaysia, 26-28 October 2007. Bath, England : Foundation for Endangered Languages, 2007.

### **Legal issues**

Chan, Eng Bin.  
'Circles in the sand: creating pathways and connections in Indigenous legal education.' *Indigenous law bulletin*, Vol. 6, No. 24 (Dec. 2006 - Jan. 2007), p. 16-17.

'Digest: Legislative developments.' In *Australian Indigenous Law Review*, Vol. 11, no. 3 (2007), p. 92-102.

Dodson, Michael.  
*The continuing relevance of the Constitution for Indigenous peoples*. Canberra, A.C.T. : National Archives of Australia, 2008.  
<http://www.naa.gov.au/whats-on/constitution-day/talks/dodson.aspx>

Eades, Diana.  
'Cross examination of Aboriginal children: the Pinkenba case.' *Indigenous law bulletin*, Vol. 6, No. 24 (Dec. 2006 - Jan. 2007), p. 11-13.

Howard-Wagner, Dierdre.



'Legislating away Indigenous rights.' *Law text culture*, Vol. 12 (2008), p. 45-68.

Irvin, Zoey.

'Wilcox J and Olney J: a comparative analysis of historical assumptions in the Yorta Yorta and single Noongar decisions.' *Indigenous law bulletin*, Vol. 6, No. 24 (Dec. 2006 – Jan. 2007), p. 24-26.

<http://www.austlii.edu.au/au/journals/ILB/2007/6.html>

Maguire, Amy.

'Law protecting rights: restoring the law or self-determination in the neo-colonial world.' *Law text culture*, Vol. 12 (2008), p. 12-39.

Pearson, Noel.

'Principles of communal native title'. *Indigenous law bulletin*, Vol. 6, No. 24 (Dec. 2006 – Jan. 2007), p. 14-16.

Sarre, Rick.

*Aboriginal Customary Law* [electronic resource]. 50th Anniversary Conference Australasian Law Teachers' Association Cross Currents: Internationalism, National Identity & Law 1995.

<http://138.25.65.50/au/special/alta/alta95/sarre.html>

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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](mailto:ntru@aiatsis.gov.au)

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## Native title claims: case studies

Behrendt, Jason.

'Lost in translation: the Wellesley Sea Claim and the gap between Indigenous sea cultures and native title recognition.' *Ngiya: talk the law*, Vol. 2 (Nov. 2008), p. 2-16.

## Procedures and protocols – Archives and Libraries

Barwick, Linda and Nicholas Thieberger, eds.

*Sustainable data from digital fieldwork : proceedings of the conference held at the University of Sydney, 4-6 December 2006.* [Sydney] : Sydney University Press, c2006.

Garwood-Huong, Alana (for the Aboriginal and Torres Strait Islander Library, Information and Resource Network (ATSILIRN).

*5th International Indigenous Librarians' Forum : proceedings 2007 : Brisbane, Australia, June 4-7, 2007* : ATSILIRN, 2007.

State Library of Queensland.

*Welcoming places: ideas for public library services for Aboriginal people and Torres Strait Islanders.* Brisbane: State Library of Queensland, 2007.