

Native Title Newsletter

May/June 2005

No. 3/2005

WHAT'S NEW WITH THE NTRU!

Native Title Conference Papers now available at:

<http://www.aiatsis.gov.au/rsrch/ntru/conf2005/papers/papers.html>

Contents

News from the Native Title

Research Unit 2

What's New 3

Feature - Plenary Address by Aboriginal and Torres Strait Islander Social Justice

Commissioner Tom Calma from the Native Title Conference 4

Regular items

Native Title in the News 13

Applications Lodged with the NNTT 17

Registration Test Decisions 17

Notifications 18

Recent additions to the AIATSIS Library 19

Native Title Research Unit Publications 23

The Native Title Newsletter is published every second month. The newsletter includes a summary of native title as reported in the press. Although the summary canvasses media from around Australia, it is not intended to be an exhaustive review of developments.

The Native Title Newsletter also includes contributions from people involved in native title research and processes. Views expressed in the contributions are those of the authors and do not necessarily reflect the views of the Australian Institute of Aboriginal and Torres Strait Islander Studies.

The Newsletter is also available in ELECTRONIC format.

This will provide a FASTER service for you, and will make possible much greater distribution. If you would like to SUBSCRIBE to the Native Title Newsletter electronically, please send an email to ntru@aiatsis.gov.au, and you will be helping us provide a better service. Electronic subscription will replace the postal service, please include your postal address so we can cross check our records.

The same service is also available for the Issues Papers series. ISSN 1447-722X



AIATSIS
Australian Institute of Aboriginal
and Torres Strait Islander Studies

WORLD KNOWLEDGE AND UNDERSTANDING OF AUSTRALIAN INDIGENOUS CULTURES, PAST AND PRESENT



NEWS FROM THE NATIVE TITLE RESEARCH UNIT

Research Activities

All Unit staff contributed to the running of the Native Title Conference 2005 in Coffs Harbour from the 01-03 June. In addition to logistical and administrative tasks, several staff also presented papers, convened or chaired conference sessions.

Treaty, co-authored by Dr Lisa Strelein, Sean Brennan, Prof. Larissa Behrendt and Prof. George Williams (2005, The Federation Press) was launched at the Sydney Writers Festival on Friday 27 May 2005.

Dr Bradfield has a chapter titled 'Principles of a Treaty Relationship' published in *Balayi: Culture, Law and Colonialism*, Vol 7, June 2005.

Toni Bauman finalised an *Australian Journal of Anthropology* (TAJA) paper: Bauman, T. 2005. *Nations and tribes 'within': Aboriginal 'nationalisms' in Katherine*.

Glen Kelly finalised and submitted an Indigenous Natural Resource Management Chapter for the Kimberley Natural Resource Management Strategy to the Kimberley Land Council.

Indigenous Facilitation and Mediation Project (IFaMP) Update

Native Title Conference, 2005: *the human face of Native Title*

The IFaMP team, as part of the AIATSIS Native Title Research Unit, attended and assisted with the coordination of the 2005 Native Title Conference. Toni Bauman and Jess Clements ran a workshop, 'Implementing the NTRB Report - Indigenous Facilitation and Mediation Project' on Thursday, 2 June. The Workshop focused on exploring the

recommendations and issues raised in the Bauman, T. and R. Williams. 2005. *Report on Native Title Representative Body Workshops: Directions, Priorities and Challenges*, which has now been published and distributed. Toni Bauman also chaired a session on Friday, 3 June, at the Conference on *The use of traditional law in resolving overlaps: Speer Creek case study*.

Visitors

Dr Morgan Brigg, trainer and mediator, currently working with the Centre for Peace and Conflict Studies at University of Queensland, spent several weeks with IFaMP during May 2005. During this time he delivered a joint presentation with Mr Patrick McIntyre, Barrister and Co-Chair of the Mawul Rom Cross-Cultural Mediation & Leadership Program, as part of the AIATSIS Seminar Series. The presentation focused on issues associated with the development of appropriate training in the cross-cultural context with prospects for improved practice. Morgan made valuable contributions to current research efforts undertaken by the Project.

IFaMP/AIATSIS Seminar Series

The Seminar Series convened by IFaMP has concluded, with many requests for papers and transcriptions having been received. Papers and transcriptions for publication are being prepared, and are expected to be on the AIATSIS website by the end of July.

To view the program go to:
www.aiatsis.gov.au/rsrch/seminars.htm
for the Program.

Check the IFaMP Web Site

The following additions can be now be accessed on the IFaMP website. Feedback

or comments are most welcome and can be sent to ifamp@aiatsis.gov.au

The IFaMP bibliography has now been published in hard copy. It contains readings on Indigenous decision making and conflict management, broader alternative dispute resolution readings and some practice manuals. The Bibliography and section links to the Bibliography can be found under the *Emerging Bibliography* sub-section of the *Research and Publications* section of the IFaMP site:

Brockwell, S. Eggerking, K. Morphy, R. and Bauman, T 2005. *Culture, Conflict Management and Native Title: An Emerging Bibliography*. Indigenous Facilitation and Mediation Project. Report No. 4. Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.

http://www.aiatsis.gov.au/rsrch/ntru/ifamp/research/research_frameset.html

IFaMP has prepared an informative, two-page, back to back briefing paper on how to make a complaint about native title mediation processes. The paper is located under the *Decision Making and Dispute Management* section, as well as the *Complaints Processes* sub-section of

Practice Issues in Mediation and Facilitation section, of the IFaMP site:

Indigenous Facilitation and Mediation Project, 2005. *Making a Complaint about Native Title Mediation*. Briefing Paper No. 5. Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.

http://www.aiatsis.gov.au/rsrch/ntru/ifamp/practice/practice_frameset.html

The workshop that IFaMP held in February with Indigenous native title mediation practitioners around best practice issues has now produced a comprehensive report, which is located under the *Workshops and Reports* sub-section of the *Research and Publications* section of the IFaMP site:

Kingham, F. and T. Bauman. 2005. *Report on proceedings of Indigenous Native Title Mediation Practitioners Workshop 17 - 18 February 2005*. Indigenous Facilitation and Mediation Project, Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.

http://www.aiatsis.gov.au/rsrch/ntru/ifamp/research/research_frameset.html

WHAT'S NEW

Publications

The June 2005 quarterly issue of Talking Native title is now available on the National Native Title Tribunal website: http://www.nntt.gov.au/metacard/files/TNT15/TNT_Issue_15_2005.pdf

This issue pays particular attention to Indigenous Land Use Agreements.

The Office of Native Title (WA), Edition 5, June 2005 e-Newsletter is available at:

<http://www.nativetitle.dpc.wa.gov.au/docs/Junenewsletter.pdf>

It contains a feature article on the Ngarluma Yindjibarndi claim determination.

Books/Journals

A number of monographs are available from Oceania Publications, including 'The Karajarri claim: a case-study in native title anthropology' by Geoffrey Bagshaw. Order forms are available at: <http://www.arts.usyd.edu.au/publications/oceania/OceaniaMonos.pdf>

Conferences

AIATSIS - Native Title Conference 2-3 June 2005. Papers from the conference are available at: <http://www.aiatsis.gov.au/rsrch/ntru/conf2005/papers/papers.html>

Additional papers will be added as they are received.

Training

A Native Title Law and Policy Short Course will be held at James Cook University from Saturday 18 June to Wednesday 22 June, 2005.

If you are interested in attending please complete and return the attached form.

Further enquiries can be directed to Katie Kiss ph: 07 40421198 email katie.kiss@jcu.edu.au.

FEATURE

Plenary Address by Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma
Thursday 2nd June 2005

The Human Face of Native Title, Challenges and Opportunities In Times Of Change
Native Title Conference
Coffs Harbour, NSW

I would like to begin by acknowledging the traditional owners, [the Gum-bay-ngg-irr people] whose land we are meeting on and thank them for welcoming us to their country. I congratulate AIATSIS and NSW Native Title Services on organising this conference and thank everyone gathered here for your efforts to make this a successful conference. I am honoured to be invited to address you today.

My commitment to native title is both personal and professional. Personally, as a member of the Kungarakan tribal group I am involved in a native title claim over the township of Batchelor in the Northern Territory and my Iwaidja countryman

were (and still are) involved in the Yarmirr and Ors v Northern Territory (1998) sea rights claim. I understand the processes, triumphs and frustrations of native title as I see my communities work for the common law recognition of our traditional rights.

Professionally, native title is a central focus of my role as Aboriginal and Torres Strait Islander Social Justice Commissioner. This position was created in 1993 in response to the Royal Commission into Aboriginal Deaths in Custody and the National Inquiry into Racist Violence. It was created to ensure an ongoing, national monitoring agency for the human rights of Indigenous Australians.

The Social Justice Commissioner has responsibility for promoting awareness of, and compliance with, the human rights of Indigenous peoples. As part of this role, my office prepares two annual reports, the Social Justice Report to the federal parliament and the Native Title Report to the Attorney General. The *Social Justice Report* looks at the enjoyment and

exercise of human rights by Indigenous Australians and makes recommendations on what should be done to ensure that these rights are observed. The *Native Title Report* looks specifically at the impact of the Native Title Act on Indigenous peoples' enjoyment and exercise of human rights. I recently tabled my first *Social Justice and Native Title Reports* in federal parliament and will refer to their conclusions in this speech.

My speech today is about *challenges and opportunities in times of change*. 'Times of change' certainly describes our present situation where the dismantling of government and Indigenous structures and policies has occurred at an unprecedented rate. These changes present a window of opportunity to put in place structures that will represent and assist our communities over the next generation. But these changes are also embedded with substantial risks. The risk that what has been learnt (both the successes and failures) over the past 30 years could be lost and the risk that the rights that we have fought hard for, and have gained, will continue to be eroded as the enthusiasm for transformation takes hold.

We need to think carefully about what opportunities and alternatives for change we want to create, or seize, as the landscape shifts. We also need to decide what is worth holding on to and protecting and how we will do that. While there are lots of problems that linger in our communities as a result of a long history of dispossession, marginalisation and discrimination, we remain strong, powerful and visionary. But, we need to be organised and vocal about our goals, our aspirations and how we need to be in the driver's seat to achieve these outcomes.

There are 3 key issues I want to talk about today in light of this new and shifting landscape:

First, I will outline the government's new arrangements for Indigenous affairs and the particular issues emerging out of these that I see for native title parties and traditional owners.

Second, I will talk about economic development from Indigenous land and touch on the topical issue of alienability.

And third, I will briefly consider the challenges and opportunities in this new landscape for NTRBs.

What the new arrangements are and what I will be monitoring?

First, the new arrangements. At the outset let me assure you that I am not here to promote the changes or encourage you to sign on to them, or not sign on to them. But I will let you know what I understand the new arrangements are and how they may impact on native title claimants, holders and traditional owners.

So, what are 'the new arrangements'?

In April 2004 the federal government announced substantial changes to the way it will deliver services and how it intends to engage with Indigenous people and communities from 1 July 2004. The new changes include:

- The abolition of ATSIC;
- Mainstreaming of Indigenous specific services previously managed by ATSIC and ATSIIS;
- The creation of the Office of Indigenous Policy Coordination (OIPC) and regional Indigenous Coordination Centres (ICCs);
- An emphasis on whole of government activity; and

- The establishment of shared responsibility agreements and regional participation agreements.

Together, these changes are referred to as 'the new arrangements' and are reportedly based on lessons learned from the COAG trials.

So what I will be monitoring?

Since commencing in the Social Justice Commissioner role the key priority of my office has been to closely monitor the roll-out of the new arrangements. It is important to remember that the new arrangements began just 11 months ago. Key aspects have just been introduced or are still to be introduced. Accordingly, the *Social Justice Report 2004* identifies a number of challenges that the new arrangements raise, as well as some issues where I am concerned about the direction of the government.

At this stage, most activity has been at the federal government level and so my primary engagement has been at that level. I expect that this will change over the coming years as the new processes spread across different levels of governments.

There should be no doubt that these new arrangements will form the basis of most, if not all, service delivery at *all* levels of government over the coming years.

So we must make sure that we do not have our heads in the sand about these developments as they are going ahead regardless. Indigenous peoples and communities need to learn about the new processes and think about how we can engage in them to address our needs.

As I note in the *Social Justice Report*:

- *In theory, these new arrangements have much to offer* - they aim to

coordinate and improve service delivery by mainstream agencies, which has been a longstanding problem.

- *There are also a number of potential benefits in the new arrangements.* These include the movement to three year funding cycles - a simple recommendation of the Royal Commission into Aboriginal Deaths in Custody that has taken nearly 15 years to implement. As well as the simplification of grant procedures with the proposal to introduce a single submission for the different programs that currently exist for Indigenous communities and groups.

But - and this is the crucial point - the commitments made through these new arrangements need to translate into action on the ground. Indigenous people have suffered at the hands of good intentions and worthy commitments from governments of both persuasions, for many decades. The *Social Justice Report* highlights those critical issues that must be properly addressed for the new arrangements to provide benefits and not to repeat or make worse any mistakes of the past.

In broad terms, these challenges include, although they are not limited to, ensuring that:

- Indigenous people are informed and empowered to effectively and equitably participate in the agreement making process;
- Indigenous people are able to participate fully in decision making, including through regional structures;
- Government does not introduce punitive funding models where communities are negotiating for the delivery of basic services and

citizenship entitlements enjoyed by all Australians; and

- Appropriate performance monitoring and evaluation processes are put into place so we know if the changes will have a positive impact on our people.

There are particular challenges and opportunities in the new arrangements for native title claimants, holders and traditional owners.

First, it is crucial that native title holders and traditional owners consider whether you wish to participate in the new arrangements, and if you do make this clearly known to government, through the Indigenous Coordination Centres.

The abolition of ATSIC has led to an increased focus by the federal government on direct engagement with Indigenous peoples and communities. To facilitate this process, government has committed to engage with Indigenous peoples at a local and regional level, through Shared Responsibility Agreements (or SRAs) and Regional Participation Agreements (or RPAs). These agreements will set out the priorities of Indigenous people at a local and regional level and outline what obligations both the government and the relevant Indigenous group agree to in pursuit of these priorities. They are based on the principle of shared responsibility and involve mutual obligation or reciprocity for the delivery of services. Depending on how the government plans to develop RPAs, there might be an opportunity for the recognition or emergence of regional governance structures.

Now let me turn to *regional participation agreements*

RPAs may raise important issues for native title holders and traditional owners.

In explaining the operations of the new arrangements, the government describes the RPA process as setting the priorities for each region. It is thought that this will involve assessing Indigenous needs by mapping it against demographic factors such as projected growth of the population and mobility within the regions. These findings will then be mapped against the government expenditure and potential capital within the region.

Although it appears that SRAs are being negotiated by government first, it is expected that RPAs will follow. This may be a positive approach; that is, building regional agreements from the ground up. However, it could also mean that if native title holders and traditional owners are not engaged in the negotiation of SRAs for their area, they may be left out of the RPA process and any related regional structure that may emerge.

If a regional structure is to have any legitimacy and sustainability, native title holders and traditional owners must be included in the decision making process for their communities and regions. Traditional owners need to get involved to make sure their unique identities and concerns within Indigenous communities are recognised and reflected in SRAs and RPAs.

So, what about *SRAs and native title agreements*

Native title claimants, holders and traditional owners should also think carefully and strategically about what they can negotiate through an SRA.

While native title is about recognising existing rights in land, and not about mutual obligation for the discretionary benefits provided by government through SRAs, there may be things that traditional

owners want to do on their land that could be achieved by using an SRA.

I am not proposing that native title be *resolved* through an SRA. The legal recognition of traditional rights, as well as statutory procedural rights like the right to negotiate, is an important asset of recognition and opportunity for Indigenous development. Legal rights ensure that meaningful negotiation occurs with Indigenous people and not simply consultation.

Rather, I am suggesting that once native title rights have been recognised through a determination, or an ILUA has been reached, SRAs may be a useful tool for native title holders to obtain funds and support from government to do things on their land.

Equally, the process of negotiating SRAs could benefit from the lessons learned through native title agreement making.

The catch cry of the native title system is - negotiate not litigate. As a result, agreements through consent determinations and ILUAs have become the principal way of settling native title issues. Just a few weeks ago the 100th native title ILUA was negotiated in Queensland. The experience and knowledge gained by Indigenous people and native title practitioners and experts negotiating agreements could provide important guidance on how shared responsibility agreements should be reached.

Importantly, one of the key features of the native title agreement making process are the legally enforceable rights that give Indigenous parties a seat at the table, bargaining power, and remedies for infringements. It means that native title agreements are based on negotiation, not just consultation, and they give native

title claimants a say about what takes place on their land.

This type of negotiation gives limited expression to important human rights standards such as *the right to protection of culture*, prior informed consent and the right to self determination.

Despite the limitations of the native title system - the rights basis that it establishes for agreement making is an important principle that we must insist upon in the context of SRAs. Rights must underpin the process and outcomes of SRAs if SRAs are to achieve their objective; that is, of a community that is self reliant and capable of directing its own economic and social development.

Knowing your rights could help traditional owners and native title holders negotiate with ICCs to get meaningful and sustainable outcomes through SRAs.

The second issue I wanted to address today is economic and social development for traditional owners and their communities through native title. This is the focus of my *2004 Native Title Report* and one of the major themes of this conference. It is also becoming an important issue in political and public debate. Given this attention I would like to discuss the framework that underpins the type of economic and social development set out in my report. In doing so it is necessary to first consider one question - who is this model for economic and social development intended to benefit?

In addressing this question I would like to begin by reflecting on some of the history that has emerged through native title claims.

Justice Olney summarised in the Yorta Yorta decision that by the 1850s Aboriginal resistance to settlement had

ceased. The Yorta Yorta population had been drastically reduced: while the white population had grown dramatically - attracted by pastoral lands and gold. Government inquiries were held into the condition of Aborigines and addressing their 'absolute wants', so missions and reserves were established to address these needs. Later, 'half castes' were dispersed from missions and stations and families were split up or forced to move away from areas that had been their homes for millenia. In the twentieth century most of the reserve land had been leased to white farmers and employment for Aboriginal people became harder to find as the white population grew and soldiers returned home. Funding for reserves was reduced and Aboriginal peoples living on reserves were not eligible for unemployment benefits, nor were able bodied people, eligible for rations.

Indigenous peoples throughout Australia experienced similar events on our lands. These stories demonstrate how industry, agriculture and mining contributed to the growth of the Australian economy while at the same time, deprived Indigenous Australians of our economic resources and disrupted social, cultural and political structures. History suggests that economic growth in the broader economy does not translate into greater social and economic outcomes for Indigenous peoples.

It is on this basis that I have argued in my report that if the commonwealth government has a genuine commitment to addressing Indigenous disadvantage, then Indigenous social and economic development should be a priority for government.

But what does this amorphous term - economic and social development mean? It can mean different things to many different groups. In the past, under other names and with an assimilationist

ideology it has been used to justify the worst possible treatment of Indigenous Australians. So it is with some caution and in good faith that I have used this term. Good faith that strategies for economic and social development will not become a smokescreen for reducing Indigenous land rights or imposing social and cultural change on communities. Because, I believe that economic and social development, based on and tied to human rights, can lead to better outcomes for Indigenous Australians.

Human rights encourages a social and economic development agenda. International human rights treaties state that:

All peoples have the right to self determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

In 1986 the UN made a declaration on the right to development which expressly states that development is a fundamental human right that focuses on the human person who is the central subject and the active participant and beneficiary of the right.

The declaration states that development is a comprehensive economic, social, cultural and political process aimed at the constant improvement in the wellbeing of the entire population and the fair distribution of benefits. Development in Australia has not been enjoyed by the entire population as Indigenous Australians have been, and continue to be, marginalised from development outcomes on their lands. Prior to *Mabo*, Indigenous people had no rights to the fair distribution of benefits. Following *Mabo* we have limited rights but still no access to fair distribution.

Economic and social development is also aimed at the full realisation of all human rights and fundamental freedoms. In relation to Indigenous Australians these rights include:

- The right to self determination
- The right to protection of culture
- Economic, social and cultural rights
- The right to prior informed consent
- And equality

Economic and social development based on human rights would aim for a broad range of outcomes:

- It would ensure Indigenous people control their own development goals and agenda.
- That development is not inconsistent with culture or ignorant of cultural issues.
- That better health, access to food, housing and a stable meaningful job would be just as important as increased incomes.
- That Indigenous people would be active participants in the process of building economic and social outcomes in their communities, and
- If Indigenous communities don't agree with government strategies or they don't want mining on their land - they would be able to say no.
- That Indigenous rights in land would be recognised as being of equal importance and as a result, have equal protection, and
- That the life chance indicators of Indigenous people would be better, much better, and closer to that of the rest of Australia, hence, a fair distribution of benefits.

In many ways what I have just said echoes comments from the commonwealth government - with one exception: because what I have said is based on

rights. Indigenous Australians will now have an opportunity to test, through the negotiation of SRAs, whether the government's words are underpinned by the substance of rights. Indigenous Australians must now test if the government is genuinely committed to partnerships and participation that includes the right to prior, informed consent and self determination. Test whether the government is genuinely committed to building capacity in communities and supporting Indigenous governance and test whether the type of economic and social development that the government is promoting will respect culture, allow Indigenous people to control the process and outcomes and allow Indigenous people to say no to strategies that they do not agree with.

It has been reported this week that the mining industry is engaging in the process of SRAs. The rights I have just described apply equally to the activities of the mining industry. This should come as no surprise to the industry, particularly given their commitment to sustainable development which recognises and supports a strong commitment to human rights standards. Along with monitoring other SRAs, I will be taking a keen interest in the development of these agreements.

I believe it is necessary at this point, to stress the importance of rights to land within a human rights framework for economic and social development. Let me be very clear, when I talk about economic development for Indigenous communities, I am talking about development *that builds on and preserves rights to land*, whether these rights come from land rights claims, native title legislation or traditional laws and customs.

This brings me to the recent debate on alienating Indigenous traditional lands.

The very public and political discussion about how to achieve economic development has centred on the idea that the removal of traditional rights to land is necessary to kick-start economic development. In particular, there have been various proposals to shift the ownership of Indigenous land from community to individual control, and make it alienable, to further the economic progress of Indigenous peoples.

I am concerned that this approach pre-empted a focused, well-funded strategy to build economic and social development based on traditional rights in land. It relies on a singular view of economic development that focuses on the individual and presumes the market will deliver, no matter what. The idea of making aboriginal land tradable assumes that there is a market for it in the first place. Given the history of Indigenous dispossession in the pursuit of economic development in Australia, it should be no surprise that most Indigenous land has limited commercial value in the mainstream economy. However, we can be sure that developers will want coastal lands and islands, but highly unlikely that they will want desert lands.

There are also obstacles to economic development that have nothing to do with the tenure of the land.

In remote areas, the lack of basic infrastructure like decent roads and telecommunications, limited economies of scale and lack of Indigenous skilled or even semi-skilled workers undermines economic development. Many of these issues could be addressed by improved provision of services. Education, healthcare, good roads and sanitation are necessary to support and underwrite economic and social development. These are basic citizenship rights for which the government has responsibility - alienating

Indigenous land will not improve outcomes in these areas.

However, even in urban areas like Darwin and coastal regions like the Cape and the NSW central coast - it is unlikely that the creation of capital alone will transform Indigenous communities. If the purpose of alienating Indigenous land is to make a difference to our high unemployment rates, low incomes, poor health status and education participation, then capital must be used to produce ongoing, sustainable outcomes and these outcomes have to be linked to the community's needs. A comprehensive approach is needed, and this must include the development of our capacity to manage capital, to ensure effective governance and to make informed decisions.

Without addressing these issues, many Indigenous communities may lose their land to short-term gains or through foreclosure, and money generated by selling or mortgaging land won't address the underlying social and economic problems.

A better approach might be to build economic development from our existing assets without putting our land rights at risk; and would link community outcomes to successful enterprises. This is not to say that at a future time we will not consider creative ways to alleviate poverty, but at this time, we must take small steps and walk together and not have to run after another government "good" idea. We have to do it on our terms

Many Indigenous communities have already devised imaginative ways of generating economic development *from* traditional land and resources. This demonstrates that entrepreneurialism is not limited by communal ownership. Options include using traditional lands for tourism, natural resource management,

airstrips, animal husbandry, customary harvesting and small enterprises.

Commonwealth and state governments should explore opportunities to provide commercial or special licences to traditional owners to utilise resources on their lands - in recognition of our connection to country and our rights at international law to own, control and dispose of our natural resources.

This brings me to my final point, the challenges and opportunities for NTRBs.

To support innovation and improved economic and social outcomes through native title and traditional ownership of land, NTRBs must be better equipped.

They need more resources and flexible funding regimes that will allow them to meet their statutory obligations and support a holistic approach to land related issues such as cultural heritage, land management and economic development.

The same can be said for local, state and commonwealth government agencies dealing with native title. These agencies need to explore strategies, in consultation with NTRBs, for a 'whole of government' approach when it comes to land related issues. Cultural heritage, land management and third party use of the land will, in all instances, require native title stakeholder participation. Governments need to consider ways in which these matters, as much as possible, can be streamlined and managed through one agency, or at least, in close collaboration with departments and agencies who have a native title policy or responsibility.

To effectively address land related issues through one agency or in a coordinated manner, bureaucrats and lawyers need to see native title not as a legal process but

as a tool for meeting traditional owner goals.

It has been said so often and by so many different organisations that NTRBs need more funding - even mining companies are saying this. In fact mining companies do go a step further and provide funding for some rep bodies, while the commonwealth continues to deny that NTRBs need extra funding. The recent budget has provided a slight increase in NTRB base level funding, and extended the capacity building program that was due to end in 2004-2005 financial year. But slight increases are not sufficient to address the shortfall in NTRB funding.

The structure of NTRBs must also support a responsive, flexible and innovative approach to native title through representation and effective participation of traditional owners in the activities of the NTRBs both at a regional and national level.

The representative structure of NTRBs is important to ensure Indigenous participation in the operation of these organisations. Participation is crucial in developing strategies for addressing broader outcomes.

Participation of Indigenous people is a recognised human right and an important strategy for achieving community outcomes. The government has adopted this approach in the new arrangements and should ensure that the ongoing participation of Indigenous people is maintained through the NTRB structure.

I see a great potential in this annual conference for traditional owners and their representative organisations to address Indigenous land issues. Following the demise of ATSIC, this is one of the last remaining forums for Indigenous groups to organise and speak with a single voice. I encourage conference organisers and

attendees to use the conference as a mechanism through which to set the Indigenous agenda on land issues and make recommendations to government.

To close, I encourage traditional owners and claimants to think about whether you want to be involved in the new arrangements. If so, then you must step forward and make this clearly known to government through the ICCs. The government's focus on developing SRAs *before* RPAs means that traditional owners need to be involved at the beginning of the process to ensure your particular goals are reflected, and concerns are addressed, in both mechanisms. Otherwise, traditional owners risk being marginalised in this new mode of Indigenous service delivery. My message in the *Native Title Report 2004* was that native title should not be closed off from other Indigenous policy initiatives that are directed at social and economic development for our communities. This was a message chiefly directed at government, but it is equally

important for native title claimants, traditional owners, PBCs, NTRBs and other native title stakeholders.

My office has made commitments to monitor the new arrangements and follow up problems with the government. We want to hear from you about how the new arrangements are working for you and how traditional owners are, or are not, being included in representative structures. We also want to know how native title is being dealt with in this new landscape - whether flexible, locally driven outcomes are reflected in how the government deals with native title issues. You can make comments on our new arrangements website or talk with me or my staff, Yvette and Sarah, over the coming days.

I wish you all the best of success at the conference and in achieving positive outcomes for you and your peoples, through the native title system.
Thanks you

NATIVE TITLE IN THE NEWS

National

This year's National Native Title Conference co-organised by The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) and the NSW Native Title Service will be in Coffs Harbour. Numerous Indigenous leaders from across the country are expected to attend and will include addresses from native title holders, claimants and researchers. The conference will commence with a smoking ceremony and dance performance by the local Gumbayngirr group. Senator Aden Ridgeway will conclude the conference by giving a keynote address on the economic impacts of native title. ABC Online, ATSI Online - Message Stick. 02-Jun-05.

Northern Territory

Native title issues have been settled over 27 national parks and reserves in the Northern Territory, in the biggest simultaneous negotiations of Indigenous Land Use Agreements (ILUAs) in Australia. A total of 31 ILUAs will be negotiated paving the way for co-operative planning and co-management between Indigenous groups and the Northern Territory Government. The first four agreements will be notified by the National Native Title Tribunal during mid May by form of advertisement. NNTT Media Release. 17-May-05.

Four claims in the Northern Territory have been notified, calling for interested parties. The applications vary in size and are over land outside Katherine, Adelaide River, Alice Springs and 90 kilometres south-east of Darwin. The claim names are Edith River, McKinlay River, West Ban Ban #2 and South West Glen Helen. Closing date for responses is 31 August 2005. NNTT Media Release. 18-May-05. Edith River DC04/3, NTD20/04; McKinlay River DC04/4, NTD21/04; West Ban Ban #2 DC04/5, NTD24/04; South West Glen Helen DC05/1, NTD2/05.

Queensland

The Western Queensland Wakka Wakka people have signed an agreement which will grant the Queensland Gas Company an exploration permit over 10,000 sq km of land and allow them to explore a coal seam. Group Spokeswoman for the Western Wakka Wakka Native Title applicant group Trish Hall said signing the agreement would allow Aboriginal people to participate in further deals and benefit from them. The agreement was signed under the Queensland Aboriginal Cultural Heritage Act 2003. Toowoomba Chronicle, pg 10. 14-May-05. Wakka Wakka People, contacted NNTT on 20Jun.

Badu and Duaun Islanders in the Torres Strait have negotiated ILUA's including the Department of Defence and the Australian Customs Service. These agreements will allow high-frequency surface wave radars to be situated on the Islands which will enable 24-hour wide-area surveillance of aircraft, ships and boats travelling in the Strait. The radar receiver will be situated on Duaun Island, whilst the transmitter will be located on Koey Ngurtai (Pumpkin) Island, administered by the nearby Badu Island, in the middle of the Torres Strait. Koori Mail, pg 27. 18-May-05. Pumpkin

Island (Koey Ngurtai) ILUA: QI2004/002; Dauan Island ILUA, QI2003/038.

The Gangalidda and Garawa Peoples have lodged a native title claim over almost 14,000 sq km of land in Queensland's north-west. The claim area extends from the Queensland/Northern Territory border to Burketown in the Gulf region. The claim falls within the local government areas of Burke Shire and Doomadgee Council and excludes private freehold land. The claim includes some areas of sea. Any person or organisation with an interest in the claim has until 14 September 2005 to apply to the Federal Court to become a party. North West Star, pg 7. 19-May-05. Gangalidda & Garawa People #2: QC05/3, QUD66/05.

Two native title applications near Cairns have reached notification. The Oikola People's application covers a 3,992 sq km area around 210 km north-west of Cairns and falls within the areas administered by the Cook and Mareeba Shire Councils. The claim includes the Pinnacle, King River and Kimba Pastoral Holdings and parts of the Mount Mulgrave and Yambo Pastoral Holdings. The second application is by the Western Yalanji People and covers a 753 sq km area around 160 km north-west of Cairns. The application falls within the area administered by the Cook Shire Council and comprises parts of the Palmerville and Mount Mulgrave Pastoral Holdings. Not all of the land and waters within the application's external boundaries are claimed. NNTT Media Release. 15-Jun-05. Oikola People & Western Yalanji People.

The Queensland South Representative Body (QSRB) based in Toowoomba has lost the funding and backing of the Federal Government. Indigenous Affairs Minister Amanda Vanstone said alternative

arrangements for a new native title body for the southern Queensland region were being put in place as a matter of priority. Toowoomba Chronicle, pg 3. 24-Jun-05.

South Australia

The Full Court of the Federal Court yesterday overturned a 2002 decision by Justice Maurice O'Loughlin that the Yankunytjatjara People did not possess a spiritual connection with De Rose Hill Station. In the judgement, Justices Murray Wilcox, Ronald Sackville and Ronald Merkel said that the requirements of the Native Title Act had been satisfied. The court ruled that the group should be granted free access to the contested area, except for parts where improvements such as sheds, houses or airstrips have been constructed. Adelaide Advertiser, pg 26. Independent Weekly, pg 4. 09-Jun-05. De Rose Hill: SC 94/2, SAD6001/96.

Two native title claims involving the Port Lincoln City Council have been referred to the National Native Title Tribunal for mediation. This is because the Kokotha Native Title Claim and Barngarla Native Title Claim have an overlapping boundary dispute. Once resolved, the aim to achieve Indigenous Land Use Agreements will continue. If the Tribunal is unable to resolve the dispute, the Federal Court will hear the dispute during late 2006 or early 2007. Port Lincoln Times, pg 6. 28-Jun-05. Kokotha Native Title Claim: SC99/2, SAD6013 and Barngarla Native Title Claim SC96/4, SAD6011/98.

Tasmania

Lance LeSage on behalf of the Manegin People has withdrawn his native title claim originally lodged in September 2000 over 132 hectares of land at Sundown

Point. The group plan to re-lodge their claim in order to include a further 600 hectares of Crown land. The new claim will extend across Arthur Beach and in an easterly direction across Temma Road. Mr Le Sage stated that the State Government will face a compensation claim. Circular Head Chronicle, pg 1. Sundown Point Claim: TC00/1, TAD6001/00.

Victoria

The Gunditjmara native title claim is not likely to be resolved before a directions hearing ordered by Justice Tony North for 08 June. This will see the claim enter litigation. In the interim, additional mediation meetings have taken place with all parties asserting that progress is being made. The area covers 20,000 sq km of land and waters from the South Australian border along the coast to Yambuk, past Hamilton in the north-east and to the southern perimeter of Casterton in the State's west. Not all of the area within the application's external boundaries are claimed. Portland Observer, pg 5. 09-May-05. Gourditch-Mara Claim: VC99/7, VID6004/98.

Western Australia

A landmark native title ruling by the Federal Court has brought an end to almost 10 years of negotiations between two Pilbara Aboriginal groups and the Western Australian Government. Federal Court Justice Robert Nicholson was recently in Roebourne for the determination ceremony to finalise the claim involving the Ngarluma and Yindjibarndi peoples. The Court found both groups possessed non exclusive rights over parts of the 25,000 sq km claim area within the shires of Roebourne, Ashburton and East Pilbara. Pilbara News, pg 1. 04-May-05. Ngarluma/Injibandi Claim: WC99/14, WAD6017/96.

The Amangu and Widi Binyardi native title claims in the mid-west of Western Australia are in notification. The Amangu People's application covers about 27,390 sq km of land and water near Geraldton and falls within the City of Geraldton and the Shire Councils of Carnamah, Chapman Valley, Greenough, Irwin, Mingenew, Morawa, Mullewa, Northampton, Perenjori, Three Springs and Yalgoo. The Widi Binyardi application covers approximately 27,290 sq km and sits about 100 km east of Geraldton. It extends from the towns of Pindar, Mingenew, Three Springs and Pithara in the west to the boundary of the Balimia People's native title application in the east. Those with an interest in the claim area have until 31 August 2005 to respond by writing to the District Registrar of the Federal Court. For further information contact the NNTT on freecall 1800 640 501. NNTT Media Release. 18-May-05. Amangu People WC04/2, W6002/04 & Widi Binyardi WC04/8 & WAD286/04.

The Federal Court decision in relation to the Wongatha Native Title claim has been further delayed, and is not expected before 10 June 2005. The claim which was lodged more than a decade ago, covers approximately 160,000 sq km in the Goldfields region. A spokesman for the Federal Court said all parties involved had been informed that Justice Kevin Lindgren intended to publish his judgement on the eight native title claims involved in the Wongatha matter in instalments. The first 100 pages of the reasons for judgement will be made public on June 10 2005. Kalgoorlie Miner, p. 3. 26-May-05. Wongatha Claim: WC99/1, WAD6005/98.

The Miriwung, Gidja, Wularr and Malignin People represented by the Kimberley Land Council have signed an ILUA with

Argyle Diamonds which is owned by Rio Tinto. The ILUA located in the East Kimberley region of Western Australia will provide employment along with other economic opportunities for the Indigenous groups. The agreement will allow for an underground mine at Argyle to be developed. NNTT Media Release. 08-Jun-05. Argyle Diamonds ILUA: WI2002/003.

Federal Court Judge Robert French ruled broadly in favour of a native title determination for the Bardi and Jawi People. The outcome ended over 10 years of debate over the 1037 sq km of land at the northern end of Dampier Peninsula. The claim primarily comprises Aboriginal reserves and unallocated Crown Land and contains a 5.5 km sea boundary. Justice French ruled that the Bardi and Jawi People had exclusive rights to the whole of the mainland as well as the right to hunt turtle and dugong in waters in the claim area and to take pearl shell for cultural purposes. West Australian, pg 16. 11-Jun-05. Bardi Jawi Claim: WC95/48, WAD49/98.

The Tjurabalan Native Title Aboriginal Land Corporation represented by the Kimberley Land Council has signed a landmark agreement with mining company Tanami Gold. The agreement covers mining and exploration over the 26,000 sq km of land located south-east of Halls Creek in Western Australia's Kimberley. Central to the agreement is a commitment to employment, training and business development opportunities for the Tjurabalan people. Koori Mail, pg 60. 15-Jun-05. Tjurabalan Claim: WC95/74, WAD160/97.

Australia's largest native title settlement will be finalised during late June by Federal Court Chief Justice Michael Black. Justice Black will ratify the agreement in

an open-air Federal Court hearing in Jameson, about 120km north-east of Warburton. The 188,000 sq km region near the South Australian border encompasses six smaller claims and

represents about 250 holders. Sunday Times, pg 20. 26-Jun-05. The Ngaanyatjarra Lands Native Title Claim: WC04/3, WAD6004/04.

APPLICATIONS LODGED

The National Native Title Tribunal posts summaries on their website of applications that are lodged with them, www.nntt.gov.au. The following applications were lodged in May/June 2005.

Claimant Applications

Date Filed	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.
01/06/05	Puutu Kunti Kurrama and Pinikura 2	WA	WC05/4	WAD126/05
27/06/05	Wondunna Clan, Badjala People	QLD	QC05/10	QUD169/05

Non-Claimant Applications

Date Filed	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.
23/06/05	The Council of the City of Shoalhaven	NSW	NN05/10	NSD1037/05

REGISTRATION TEST DECISIONS

The National Native Title Tribunal posts summaries of registration test decisions at www.nntt.gov.au. The following decisions are listed for May/June 2005. If an application has not been accepted, this does not mean that native title does not exist. The applicants may still pursue the application for the determination of native title. If an application does not pass the registration test, the applicant may seek a review of the decision in the Federal Court or re-submit the application.

Decision Date	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.	Decision
05/05/05	Wiluna #2	WA	WC04/7-1	W241/04	Not Accepted
10/05/05	Ballardong People	WA	WC00/7-1	WG6181/98	Not Accepted
11/05/05	Napperby	NT	DC05/3-1	NTD6/05	Accepted
11/05/05	Mount Doreen	NT	DC05/2-1	NTD5/05	Accepted

12/05/05	Rubibi	WA	WC99/23-2	WG6006/98	Accepted
19/05/05	Rubibi #17	WA	WC04/6-2	W223/04	Not Accepted
20/05/05	Badjuballa People	QLD	QC99/37-2	Q6029/99	Accepted
20/05/05	Ugar (Stephen Islanders) #1	QLD	QC96/61-4	QG6076/98	Accepted
08/06/05	Ngarlawangga People	WA	WC05/3-1	WAD78/05	Accepted
15/06/05	Paddy Carlton obo the MGW	NT	DC95/1-2	NTD6008/98	Accepted

APPLICATIONS CURRENTLY IN NOTIFICATION

Closing Date	Application Number	Application Name
08/06/05	NN04/12	Peter Hillig as Administrator of Worimi Local Aboriginal Land Council
08/06/05	NN05/1	The Awabakal Local Aboriginal Land Council
08/06/05	NN05/2	Woromi Local Aboriginal Land Council and Administrator Peter Hillig
08/06/05	NN05/3	Anthony Kelly MLC Minister assisting the Minister for Natural Resources (Lands) for the State of NSW as the State Minister under the Native Title Act 1993 (Cwth)
22/06/05	WC03/6	Single Noongar Claim (area 1)
05/07/05	NN05/4	Brady
19/07/05	NN05/5	Anthony Bernard Kelly, MLC, Minister for Lands for the State of NSW as the Minister under the Native Title Act (Cth)
19/07/05	NN05/6	Anthony Bernard Kelly, MLC, Minister for Lands for the State of NSW as the State Minister under the Native Title Act 1993 (Cth)
03/08/05	NN05/7	Worimi Local Aboriginal Land Council
17/08/05	NN05/9	The Hon. Bob Debus MP, Minister for the Environment for the State of NSW
31/08/05	WC04/2	Amangu People
31/08/05	DC04/3	Edith River
31/08/05	DC05/1	South West Glen Helen
31/08/05	DC04/5	West Ban Ban #2
31/08/05	DC04/4	McKinlay River
31/08/05	WC04/8	Widi Binyardi

For further information regarding notification of any of the applications listed contact the National Native Title Tribunal on 1800 640 501 or www.nntt.gov.au.

RECENT ADDITIONS TO THE AIATSI COLLECTION CATALOGUES

The following list contains newly catalogued items that have just become available on Mura, the AIATSI on-line catalogue. Some entries have web addresses and you will be able to have access immediately to them. Please check Mura for more information on each entry, including annotations.

AUDIOVISUAL MATERIALS:

Approximately 80 hours of oral history interviews in English, recorded at Daguragu, Kalkarindji, Timber Creek and Yarralin between 1997 and 2005 were deposited by Minoru Hokari. An important collection of historical photographs from all parts of mainland Australia spanning the period 1850-1970 was deposited by Aldo Massola. See the Mura catalogue entry under MASSOLA.A.1CS for a full listing of people in the photographs and topics.

PRINT MATERIALS:

In addition to the material listed below, the AIATSI Library has recently obtained the papers of Aden Ridgeway.

Please note that a new section, **Procedures and protocols - Archives and Libraries**, has been added for recently acquired information on handling Indigenous materials.

Government reports - Australia and States

Australia. Human Rights and Equal Opportunity Commission.
Jonas, W. J. A. and Australia. Aboriginal and Torres Strait Islander Social Justice Commission
Native title reports 2002, 2003.
http://www.hreoc.gov.au/social_justice/nt_reports.html#2002

http://www.hreoc.gov.au/social_justice/ntreport03/index.htm

Australia. Human Rights and Equal Opportunity Commission
Calma, Tom and Australia. Aboriginal and Torres Strait Islander Social Justice Commission
Native title report 2004
http://www.hreoc.gov.au/social_justice/nt_reports.html#2004

History - Exploration and accounts

Atkinson, Wayne R.
'Historical research into Cumeroongunga and Coranderrk Aboriginal reserves, and the recording of oral histories from Aboriginal people who lived on, and experienced reserve life.' [report on research project to Australian Institute of Aboriginal Studies, Canberra]. 1979.

Bannister, Saxe.
British colonization and coloured tribes.
London : William Ball, 1838.

Beckett, Jeremy
A study of Aborigines in the pastoral west of NSW. Sydney : Oceania Publications, 2005.

Brock, Peggy
'Skirmishes in Aboriginal history.' In *Aboriginal History* Vol. 28 (2004), p. [207]-225.

Dargavel, John
'Persistence and transition on the Wangites-Wagait Reserves, 1892-1976.' In *Journal of Northern Territory History* no. 15 (2004), p. 5-19.

Freycinet, Rose Marie de, Rivière, Marc and National Library of Australia
A woman of courage : the journal of Rose de Freycinet on her voyage around the world 1817-1820. Canberra : National Library of Australia, 2003.

Garde, Murray and A. Kohen
'Putting Herbert Basedow back in focus:
the 1928 expedition to Arnhem Land.' In
Australian Aboriginal Studies no.1,
(2004), p.26-36.

Greenberg, Harry, et. al., comps.
A history of Ebenezer Mission.
[Melbourne] : Koorie Heritage Trust,
c2005.

Grey, Geoffrey
'Mr Chinnery should be given the
recognition he deserves': EWP Chinnery in
the Northern Territory.' In *Journal of
Northern Territory History* no. 15 (2004),
p. 21-33.

Haynes, B. T. (Bruce T.) and History
Association of Western Australia.
*W.A. Aborigines, 1622-1972 : an extract
from Themes from Western Australian
history; a selection of
documents and readings.* [Claremont,
W.A.] : History Association of Western
Australia, 1972.

Peterson, Nicolas, et.al., eds.
Donald Thomson: the man and scholar.
Canberra : Academy of the Social Sciences
in Australia
with support from Museum Victoria,
c2005.

Walker, James Backhouse and Royal
Society of Tasmania
*Early Tasmania : papers read before the
Royal Society of Tasmania during the
years 1888 to 1899.* Tasmania : T. J.
Hughes, Government Printer, 1973.

History and Native Title practice

Genovese, Ann
'The use of history in native title:
historical perspectives.' In *Journal of the
Royal Western Australian Historical
Society (Inc.)* Vol. 12, part 3 (2003), p.
326-333.

Nicholson, Robert

'The use of history in proving native title:
a judge's perspective.' In *Journal of the
Royal Western Australian Historical
Society (Inc.)* Vol. 12, part 3 (2003), p.
315-325

Indexes, directories and guides:

Craig, Donna, comp., and East Kimberley
Impact Assessment Project (Australia).
Social impact assessment bibliography.
Canberra City : East Kimberley Impact
Assessment Project, [1987].

Houston, Carol and South Australia.
Aboriginal and Historic Relics, et. al.
*Aboriginal material culture of South
Australia : a reading guide.* Adelaide, S.
Aust. : S.A. Museum: Aboriginal & Historic
Relics Administration, 1976.

Houston, Carol.
*The Kurna tribe of the Adelaide Plains :
a selected bibliography.* Adelaide :
Aboriginal and Historic Relics
Administration, 1976.

Pilbara Aboriginal Language Centre
*Welcome home to the Pilbara, Western
Australia :finding your Martu, Marlpa,
Marlngu family.*
[Port Hedland, W.A.] : Wangka Maya
Pilbara Aboriginal Language Centre, [200-
].

Shnukal, Anna
Bibliography of Torres Strait. Brisbane :
Aboriginal and Torres Strait Islander
Studies Unit, 2004.

State Records Authority of New South
Wales.
*The Concise guide to the State Archives
of New South Wales* [electronic resource].
[Sydney] : State Records Authority of New
South Wales, c2000. (CDs held in Library).

State Records Office of Western Australia.

[*Aboriginal records at the State Records Office of Western Australia*] [electronic resource]

Perth, W.A. : State Records Office of Western Australia. ELECTRONIC ACCESS ONLY

<http://www.sro.wa.gov.au/collection/aboriginalrecords.html>

Australian Institute of Aboriginal and Torres Strait Islander Studies. Library *Victorian Protectors Reports* [electronic resource] [Produced by AIATSIS Library Digitisation Program].

2005: 025.8 AUS C-D Library 31

Warburton, P. Egerton.et. al.
Journey across the western interior of Australia. [with an introduction and additions by Charles H. Eden] ; edited by H.W. Bates.

London : Sampson Low, Marston, Low, & Searle, 1875.

Indigenous rights - Overseas

Association of Iroquois and Allied Indians and Law Commission of Canada.

In whom we trust : a forum on fiduciary relationships. Toronto, On. Irwin Law, 2002.

Land acquisition and land management

Calma, Tom

Commissioner welcomes historic land use agreements in the Northern Territory . 2005.

ELECTRONIC ACCESS ONLY

http://www.hreoc.gov.au/media_releases/2005/18_05.html

Worth, David and National Native Title Tribunal (Australia). Research Unit
The Natural Heritage Trust and Indigenous engagement in natural resource management : research report. Perth : National Native Title Tribunal, 2005.

Land rights: case studies

Bartlett, Richard H.

'Extinguishment, deemed extinguishment and suspension: Larrakia and the Native Title Amendment Act.' In *Australian mining & petroleum law journal*, vol. 17 no. 3 (special edition) October 1998, p. 228 - 241.

Gisbuhl, Geoff

'Native title and the sea - the Croker Island case.' In *Australian mining & petroleum law journal*, vol. 17 no. 3 (special edition) October 1998, p. 311 - 321.

Legal issues

Australia. Dept. of Aboriginal Affairs. 'Synoptic summary of various sacred sites legislation used in preparing draft instruction for N.T. Aboriginal Places and Objects Protection and Protection Ordinance.' [1975, typescript].

Davie, Chris

'Native Title Amendment Act 1998: validation of invalid Acts; renewal and "as of right" issue of mining and petroleum tenements; extinguishment of native title rights and interests.' In *Australian mining & petroleum law journal*, vol. 17 no. 3 (special edition) October 1998, p. 242 - 250.

Denholder, Tony

'Threshold standard and requirements for making a native title claim and registration - past and future claims' in *Australian mining & petroleum law journal*, vol. 17 no. 3 (special edition) October 1998, p. 273 - 283.

Edmunds, Mary

'I just want my human rights' : Native Title and public discourse in Australia.' Paper prepared for the Australian Institute of Aboriginal and Torres Strait Islander Seminar Series, 'Land, Rights,

Laws: issues in Native Title', Canberra, 7 September 1998.

Garnett, Merrilee and Ritter, D.
'The application of the right to negotiate.' In *Australian mining & petroleum law journal*, vol. 17 no. 3 (special edition) October 1998, p. 284 - 299.

Hunt, Michael
'Workability of the Native Title Act (as amended)'. *Australian mining & petroleum law journal*, vol. 17 no. 3 (special edition) October 1998, p. 330 - 339.

Marchetti, Elena
Indigenous courts and justice practices in Australia. In *Trends and Issues in Crime and Criminal Justice*, No. 277 (May 2004), p. [1]-6 ELECTRONIC RESOURCE.
<http://www.aic.gov.au/publications/tandi2/tandi277.html>

Rose, David
'The 10-point plan - its constitutional validity.' In *Australian mining & petroleum law journal*, vol. 17 no. 3 (special edition) October 1998, p. 216 - 227.

Legal training

Potok, Richard
A report into the professional development needs of native title representative body lawyers : final Report. [Clayton, Vic. : Monash University], 2005

Native Title - Coexistence

Fisher, Steve
Connected, integrated and remote: constructive policy directions for Indigenous communities. In *Our place*, No. 25, 2005, p 11.
<http://www.deh.gov.au/indigenous/ipa/>

Hagan, Denise and Lockhart River (Qld. : Shire). Council
Lockhart River Community Plan 2004-2008 : empowering the community - working together. Lockhart River, Qld : Lockhart River Aboriginal Shire Council , 2005.

Martin, Michael
Livelihood on country - experiences with Indigenous Protected Areas on Cape York Peninsula. In *Our place*, No. 25, 2005, p 8-10. ELECTRONIC RESOURCE.
<http://www.icat.org.au/documents/op25/ipascapeyork.pdf>

Sheehan, Anne and Mascher, S.
'Indigenous Land Use Agreements: a pathway for negotiating the future.' In *Australian mining & petroleum law journal*, vol. 17 no. 3 (special edition) October 1998, p. 300 - 310.

Native Title - Mediation

Brockwell, Sally, et.al. and Australian Institute of Aboriginal and Torres Strait Islander Studies. Indigenous Facilitation and Mediation Project
Culture, conflict management and native title : an emerging bibliography. Canberra : AIATSIS 2005.

Lane, Patricia Margaret
'Mediation under the Native Title Act.' In *Australian mining & petroleum law journal*, vol. 17 no. 3 (special edition) October 1998, p. 322 - 329.

Williams, Rhian and Australian Institute of Aboriginal and Torres Strait Islander Studies. Indigenous Facilitation and Mediation Project.
Native title mediation practice : the commonalities, the challenges, the contradictions : a survey of native title mediators. Canberra : AIATSIS, 2005.

Procedures and protocols - Archives and Libraries

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NATIVE TITLE RESEARCH UNIT PUBLICATIONS

Land, Rights, Laws: Issues of Native Title

The Native Title Research Unit Issues Papers are available through the native title link at www.aiatsis.gov.au or are available, at no cost, from the NTRU. Receive copies through our electronic service, email ntru@aiatsis.gov.au, or phone 02 6246 1161 to join our mailing list.

Volume 3

- No. 01 *Authorisation and replacement of applicants: Bolton v WA [2004] FCA 760 (15 June 2004)*
Lisa Strelein

Volume 2

- No. 30 *The Recognition Level of the Native Title Claim Group: A Legal and Policy Perspective*
Daniel Lavery
- No. 29 *An Anthropological Perspective on Writing for the Court*
Katie Glaskin
- No. 28 *Promoting Economic and Social Development through Native Title*
The Aboriginal and Torres Strait Islander Social Justice Commissioner
- No. 27 *Practical Reconciliation, Practical Re-Colonisation?*
Professor John Borrows
- No. 26 *Agreeing to Terms: What is a 'Comprehensive' Agreement?*
Dr. Stuart Bradfield

MONOGRAPHS

The following NTRU publications are published by Aboriginal Studies Press and are available from the AIATSIS Bookshop located at AIATSIS, Lawson Crescent, Acton Peninsula, Canberra, or telephone 02-6246 1186 for prices and to order.

Treaty: Let's get it right! Aboriginal Studies Press, Canberra, ACT, 2003.

Through the Smoky Mirror: History and Native Title edited by Mandy Paul and Geoffrey Gray, Aboriginal Studies Press, Canberra, ACT, 2003.

Language in Native Title edited by John Henderson and David Nash, Aboriginal Studies Press, Canberra, ACT, 2002.

Native Title in the New Millennium edited by Bryan Keon-Cohen, proceedings of the Native Title Representative Bodies Legal Conference 16-20 April 2000: Melbourne, Victoria, 2001, includes CD.

A Guide to Australian Legislation Relevant to Native Title two vols, lists of Acts summarised, 2000.

Native Title in Perspective: Selected Papers from the Native Title Research Unit 1998-2000 edited by Lisa Strelein and Kado Muir.

Earlier publications dating back to 1994 are listed on the Native Title Research Unit's website at <www.aiatsis.gov.au>, go to the Native Title Research Unit and then click on the 'Previous Publications' link. Orders are subject to availability.

ABOUT THE NATIVE TITLE RESEARCH UNIT

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For previous editions of this Newsletter, click on the Native Title Research Unit link at www.aiatsis.gov.au

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