



Native title and Indigenous cultural heritage management

BIBLIOGRAPHY

Compiled by

Robert Williams and Pamela F McGrath
Native Title Research Unit

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Preface

This bibliography aims to provide readers with a comprehensive list of relevant legislation, research and commentary on Indigenous cultural heritage management in Australia since the implementation of the *Native Title Act 1993* (Cth).

This resource has been produced as part of a three-year AIATSIS Native Title Research Unit project about cultural heritage protection in the era of native title. It addresses a need for bibliographic resources about current state and Commonwealth Indigenous cultural heritage management regimes and their interaction with native title rights and policy. It is intended as a guide to assist native title groups, practitioners, researchers, policy makers and others with locating and accessing information relevant to their own projects.

The bibliography is arranged both by jurisdiction and theme and covers a number of significant issues relating to cultural heritage management for native title groups and other stakeholders: best practice, future acts and agreement making, governance, cumulative impacts, knowledge management, relevant case law and native title archaeology.

The bibliography was primarily prepared through desktop research utilising government websites and publications, online databases, and various research institutions and university archives. Information was also sought via personal correspondence on an informal basis with key stakeholders within the heritage sector. We especially wish to thank Carolyn Tan for allowing us to draw extensively on references to relevant case law cited in her PhD thesis.

This bibliography is intended to be a living document that is added to and improved upon over time. As with any such list, it will inevitably be incomplete and out of date almost from the moment it is published. The authors welcome contributions of relevant materials or publications that update or complement the existing listing.

For more information or to provide additions or corrections, please contact:

Dr Pamela McGrath
Native Title Research Unit
AIATSIS
GPO Box 553
Canberra ACT 2601

ntru@aiatsis.gov.au

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The national picture

- Allom, R 1995, 'Heritage conservation, planning and practice with minimal legislation: a case study', in S Sullivan (ed.), *Cultural conservation: towards a national approach*, Australian Heritage Commission Special Australian Heritage Publication Series no. 9, Australian Government Publishing Service, Canberra.
- Anderson, B, Hytten, F & Land, C 2006, 'Aboriginal Heritage Bill', *Indigenous Law Bulletin* 6(17), <http://www.austlii.edu.au>.
- Andrews, N 1996, 'Illegal and pernicious practices: inquiries into indigenous religious beliefs', in J Finlayson & A Jackson-Nakano (eds), *Heritage and native title: anthropological and legal perspectives*, Native Title Research Unit, AIATSIS, Canberra, n.p.
- Aplin, G 2007, 'Heritage protection in Australia: the legislative and bureaucratic framework', in R Jones & B Shaw (eds), *Geographies of Australian heritages: loving a sunburnt country*, Ashgate Publishing Limited, England, pp. 9–23.
- Arcioni, E 2003, 'Defining native title — Indigenous cultural knowledge and the Native Title Act', Faculty of Law — Papers, pp. 1–27, <http://ro.uow.edu.au/lawpapers/17/>.
- Ashton, P & Cornwall, J 2005, *Corralling conflict: the politics of Australian federal heritage legislation since the 1970s*, paper presented at Heritage Studies Symposium, University of Otago.
- Australian Heritage Commission 1995, *Cultural conservation: towards a national approach*, Australian Heritage Commission Special Australian Heritage Publication Series no. 9, Australian Government Publishing Service, Canberra.
- Avery, J 1993, 'From preservation to land rights: the relevance of land rights to the protection of Aboriginal sites' in R Bartlett (ed.), *Resource development and Aboriginal land rights*, Centre for Commercial and Resource Law, University of Western Australia.
- Barcham, M & Merlan, F 2013, 'Working with Indigenous and western corporate structures: the central Arrernte case', in T Bauman, L Strelein & J Weir (eds), *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra, pp. 253–74, <http://www.nativetitle.org.au/documents/3%20Living%20with%20native%20title%20book%20interactive%20PDF.pdf>.
- Bell, D & Elley, J 2012, *Whose heritage?*, Australian Heritage Strategy — commissioned essays, Department of the Environment, <http://www.environment.gov.au/heritage/australian-heritage-strategy/past-consultation/comissioned-essays>.
- Black, M 2003–4, 'Indigenous cultural heritage law reform', *Native Title in the News* 154.
- Boer, B & Wiffen, G 2006, *Heritage law in Australia*, Oxford University Press, Oxford.

- Bowdler, S 1995, 'Needs and priorities for the conservation of Aboriginal places of cultural significance', in S Sullivan (ed.), *Cultural conservation: towards a national approach*, Australian Heritage Commission Special Australian Heritage Publication Series no. 9, Australian Government Publishing Service, Canberra, pp. 349–56.
- Byrne, D 2002, 'An archaeology of attachment: cultural heritage and the post-contact', in R Harrison & C Williamson (eds), *After Captain Cook: the archaeology of the recent Indigenous past in Australia*, Archaeology Methods Series 8, Archaeological Computing Laboratory, University of Sydney, pp. 136–46.
- Chanock, M & Simpson, C (eds) 1996, *Law and cultural heritage*, La Trobe University Press, Bundoora.
- Christie, G 1998, 'Aboriginal rights, Aboriginal culture and protection', *Osgoode Hall Law Journal* 36: 447–84.
- Clark, K 2012, 'Only connect' — *the social, economic and environmental benefits of cultural heritage*, Australian Heritage Strategy — commissioned essays, Department of the Environment, <http://www.environment.gov.au/heritage/australian-heritage-strategy/past-consultation/comissioned-essays>.
- Davis, M 2001, 'Law, anthropology and the recognition of indigenous cultural systems', in R Kuppe & R Potz (eds), *Law and anthropology: international yearbook for legal anthropology*, vol. 11, Kluwer Law International, The Hague, pp. 298–320.
- 2006, 'Bridging the gap or crossing a bridge? Indigenous knowledge and the language of law and policy', in W Reid, F Berkes, T Wilbanks & D Capistrano (eds), *Bridging scales and knowledge systems: concepts and applications in ecosystem assessments*, Island Press, Washington DC, pp. 145–82.
- 2013, 'Learning from the past? Some early attempts at protecting Indigenous intangible heritage in Australia', *Indigenous Policy Journal* 24(3): 1–11.
- Davison, G 1991a, 'The meanings of "heritage"', in G Davison & C McConville (eds), *A heritage handbook*, Allen & Unwin, Sydney.
- 1991b, 'A brief history of the Australian heritage movement', in G Davison & C McConville (eds), *A heritage handbook*, Allen & Unwin, Sydney.
- Department of Sustainability, Environment, Water, Population and Communities 2011, peer review of the report *Australia — state of the environment 2011*, prepared by the 2011 State of the Environment Committee for the Australian Government Department of Sustainability, Environment, Water, Population and Communities, Canberra.
- Dobb, R 1995, 'Legislation for Aboriginal places of significance', in S Sullivan (ed.), *Cultural conservation: towards a national approach*, Australian Heritage Commission Special Australian Heritage Publication Series no. 9, Australian Government Publishing Service, Canberra, n.p.
- Dorsett, S & Godden, L 2000, 'The interaction of planning law and native title', *Environmental Planning and Law Journal* 17(5): 374.

- Edelman, D, Hall, T, Hayes, L, Byrne, J & Cowan, C 2010, *Commonwealth, state and territory heritage regimes: summary of provisions for Aboriginal consultation*, prepared by the Research Section of the Native Title Tribunal for the New South Wales Aboriginal Land Council, Canberra, <http://www.nntt.gov.au/Information%20Publications/Heritage-regimes-Aboriginal-consultation.pdf>.
- Ellis, RW 1995, 'The Aboriginal heritage: sacred and significant sites', in S Sullivan (ed.), *Cultural conservation: towards a national approach*, Australian Heritage Commission Special Australian Heritage Publication Series no. 9, Australian Government Publishing Service, Canberra, n.p.
- Evatt, E 1998, 'Overview of state and territory Aboriginal heritage legislation', *Indigenous Law Bulletin* 2(6): 4.
- Fergie, D 1996b, 'Federal heritage protection: where to now?', in J Finlayson & A Jackson-Nakano (eds), *Heritage and native title: anthropological and legal perspectives*, AIATSIS, Canberra, n.p.
- Finlayson, J & Jackson-Nakano, A 1996, *Heritage and native title: anthropological and legal perspectives*, Native Title Research Unit, AIATSIS, Canberra.
- Garden, D 2012, *Who are the players and what roles do they play?*, Australian Heritage Strategy — commissioned essays, Department of the Environment.
- Godden, L 2002, 'Indigenous heritage and the environment: legal categories are only one way of imagining the real', *Environmental and Planning Law Journal* 19(4): 25.
- Graber, CB 2009, 'Aboriginal self-determination vs propertisation of traditional culture: the case of sacred Wanjinna sites', *Australian Indigenous Law Reporter* 13(2): 18.
- Grutzner, H 2001, 'Invalidating the provisions of the Native Title Act on religious grounds: section 116 of the Commonwealth constitution and the freedom to exercise indigenous spiritual beliefs', in C Badge (ed.), *Justice for all? Native title in Australian legal systems*, Lawyers Books Publications, n.p.
- Hales, R, Rynne, J, Howlett, C, Devine, J & Hauser, V 2013, 'Indigenous free prior informed consent: a case for self-determination in world heritage nomination processes', *International Journal of Heritage Studies* 19(3): 270–87.
- Hancock, N 1996, 'The Spanish inquisition? Legal procedure, traditional secrets and the public interest', in J Finlayson and A Jackson-Nakano (eds), *Heritage and native title: anthropological and legal perspectives*, Native Title Research Unit, AIATSIS, Canberra.
- Human Rights and Equal Opportunity Commission 2006, *Native title report 2006*, report of the Aboriginal and Torres Strait Islander Social Justice Commissioner (ATSISJC) to the Attorney-General as required by section 209, *Native Title Act 1993*, Human Rights and Equal Opportunity Commission, Sydney.

- 2007, *Native title report 2007*, report of the Aboriginal & Torres Strait Islander Social Justice Commissioner to the Attorney-General as required by section 209 *Native Title Act 1993* (Cth), Human Rights and Equal Opportunity Commission, Sydney.
- 2008, *Native title report 2008*, report of the Aboriginal & Torres Strait Islander Social Justice Commissioner to the Attorney-General as required by section 209 of the *Native Title Act 1993* (Cth), Australian Human Rights Commission, Sydney.
- 2009, *Native title report 2009*, report of the Aboriginal & Torres Strait Islander Social Justice Commissioner to the Attorney-General as required by section 209 of the *Native Title Act 1993* (Cth), Australian Human Rights Commission, Sydney.
- 2010, *Native title report 2010*, report of the Aboriginal & Torres Strait Islander Social Justice Commissioner to the Attorney-General as required by section 209 of the *Native Title Act 1993* (Cth), Australian Human Rights Commission, Sydney.
- 2011, *Native title report 2011*, report of the Aboriginal & Torres Strait Islander Social Justice Commissioner to the Attorney-General as required by section 209 of the *Native Title Act 1993* (Cth), Australian Human Rights Commission, Sydney.
- Jago, M & Hancock, N 1998, 'The case of the missing blanket: Indigenous heritage and the states' regimes', *Indigenous Law Bulletin* 4(16): 18–21.
- James, P & Schmider, J 2012, *Whose heritage is it?*, Australian Heritage Strategy — commissioned essays, Department of Environment, <http://www.environment.gov.au/heritage/australian-heritage-strategy/past-consultation/comissioned-essays>.
- Johnston, D 2013, 'The protection and management of Australia's Indigenous sites and cultural heritage values: a crisis of neglect', seminar in the series Culture in Crisis? The Protection and Trade of Indigenous Heritage in the 21st Century, AIATSIS, Canberra, 5 August, <http://www.aiatsis.gov.au/research/seminarseries/SeminarSeries2013-2.html>
- Jones, R 1998, 'Strategies for protection of sacred sites', in J Oakes (ed.), *Sacred lands: Aboriginal world views, claims and conflicts*, Canadian Circumpolar Institute Press, Canada.
- Kerwin, D & Leon, M 2002, 'A comment on Aboriginal cultural heritage protection in Australia', *Indigenous Law Bulletin* 5(16):14.
- Labowitch, S 2010, 'Integration and reconciliation of social, legal and environmental interests under Indigenous land rights sea claims', *Environmental and Planning Law Journal* 27(3): 189.
- Lane, MB & Williams, LJ 2009, 'The Natural Heritage Trust and Indigenous lands: the trials and tribulations of new technologies of governance', *Australian Geographer* 40(1): 85–107.
- Langford, RF 1983, 'Our heritage — your playground', *Australian Archaeology* 16:1–6.

- LexisNexis 2005, *Halsbury's Laws of Australia*, vol. 5, Aboriginal and Torres Strait Islander: cultural heritage, <http://www.lexisnexis.com.au/>.
- Logan, WS 2007, 'Reshaping the "sunburnt country": heritage and cultural politics in contemporary Australia', in R Jones & BJ Shay (eds), *Geographies of Australian heritages: loving a sunburnt country?*, Ashgate, Aldershot, pp. 207–23.
- McBryde, I 1995, 'Aboriginal place needs and priorities in legislation and its administration', in S Sullivan (ed.), *Cultural conservation: towards a national approach*, Australian Heritage Commission Special Australian Heritage Publication Series no. 9, Australian Government Publishing Service, Canberra, n.p.
- Mackay, R 2014, 'Could do better? An Indigenous heritage report card', AIATSIS Occasional Seminar, AIATSIS, Canberra, 14 May, <http://50years.aiatsis.gov.au/transcripts/could-do-better-indigenous-heritage-report-card>.
- McDonald, H & Couvalis, G 1996, 'Cultural heritage, property and the position of Australian Aboriginals', *Law in Context* 14(2): 141–61.
- Memmott, P & Long, S 1998, 'The significance of Indigenous place knowledge to Australian cultural heritage', *Indigenous Law Bulletin* 4(16), <http://www.austlii.edu.au/au/journals/ILB/1998/83.html>.
- Meyers, GD & Field, A (eds) 1998, *Identity, land and culture in the era of native title*, National Native Title Tribunal, Perth.
- O'Bryan, K 2004, 'The appropriation of Indigenous ecological knowledge: recent Australian developments', *Macquarie Journal of International and Comparative Environmental Law* 1(1): 29–48.
- Price, D & Nungarrayi, B 2000, 'Aboriginal heritage: some of the issues', in C Debono (ed.), *The National Trust into the new millennium: conference proceedings*, Australian Council of National Trusts, Canberra.
- Ritchie, D 1996, 'Australian heritage protection laws: an overview and model for national legislation', in J Finlayson & A Jackson-Nakano (eds), *Heritage and native title: anthropological and legal perspectives*, Native Title Research Unit, AIATSIS, Canberra, pp. 28–39.
- Ross, A 1995, 'Conserving the Aboriginal heritage', in S Sullivan (ed.) *Cultural conservation: towards a national approach*, Australian Heritage Commission Special Australian Heritage Publication Series no. 9, Australian Government Publishing Service, Canberra.
- 2006, 'Recognising difference: contested issues in native title and cultural heritage', *Journal of Social Anthropology and Comparative Sociology* 15: 171–93.
- Seiver, A 2005, 'Defining the offence of unlawfully destroying Aboriginal heritage' *Indigenous Law Bulletin* 6(9): 11.

- Schnierer, E, Ellsmore, S & Schnierer, S 2011, 'State of Indigenous cultural heritage 2011', *Australia — state of the environment 2011*, report prepared for the Department of Sustainability, Environment, Water, Population and Communities, Canberra, <http://www.environment.gov.au/science/soe/2011-report/contents>
- Smith, BR & Morphy F (eds) 2007, *The social effects of native title: recognition, translation, coexistence*, CAEPR Research Monographs, no. 27, ANU E Press, Australian National University, Canberra, http://press.anu.edu.au/titles/centre-for-aboriginal-economic-policy-research-caepr/c27_citation/.
- Sullivan, S (ed.) 1995, *Cultural conservation: towards a national approach*, Australian Heritage Commission Special Australian Heritage Publication Series no. 9, Australian Government Publishing Service, Canberra.
- Tan, CL 2010, 'The effect of the "public-private" dichotomy on the concept of Indigenous "sacred place" in the religious freedom and heritage protection laws of Australia, USA, Canada and New Zealand', PhD thesis, University of Western Australia, Perth.
- Tan, P & Jackson, S 2013, 'Impossible dreaming — does Australia's water law and policy fulfil Indigenous aspirations?', *Environmental and Planning Law Journal* 30: 132–49.
- Tehan, M 1996, 'To be or not to be (property): Anglo Australian law and the search for protection of Indigenous cultural heritage', *University of Tasmania Law Review*, 15(2): 267.
- Tichen, SM 1996, 'Changing perceptions and recognition of the environment: from cultural and natural heritage to cultural landscapes', in J Finlayson & A Jackson-Nakano (eds), *Heritage and native title: anthropological and legal perspectives*, Native Title Research Unit, AIATSIS, Canberra.
- Truscott, MC 1995, 'Update: Australian heritage commission criteria and the Aboriginal national estate', in S Sullivan (ed.), *Cultural conservation: towards a national approach*, Australian Heritage Commission Special Australian Heritage Publication Series no. 9, Australian Government Publishing Service, Canberra.
- Ward, GK 2013, 'A legacy of heritage: the role of AIATSIS in promoting Indigenous cultural heritage research and protection', seminar in the series Culture in Crisis? The Protection and Trade of Indigenous Heritage in the 21st Century, AIATSIS, Canberra, 23 September, <http://www.aiatsis.gov.au/research/seminarseries/SeminarSeries2013-2.html>.
- Weiner, JF & Glaskin, K 2007, *Customary land tenure and registration in Australia and Papua New Guinea*, Asia-Pacific Environment Monograph 3, ANU E Press, http://press.anu.edu.au/titles/asia-pacific-environment-monographs/customary_citation/.
- Wiffen, G 1998, 'Heritage and local government in New South Wales', in G Couvalis, H MacDonald & C Simpson (eds), *Cultural heritage, values and rights*, Flinders University, South Australia.

Commonwealth and state policy and law reform

Commonwealth

Legislation

Environment Protection and Biodiversity Conservation Act 1999

Available at <http://www.environment.gov.au/epbc>

The Aboriginal and Torres Strait Islander Heritage Protection Act 1984

Available at <http://www.comlaw.gov.au/Details/C2005C00228>

Protection of Movable Cultural Heritage Act 1986

Available at <http://www.comlaw.gov.au/Details/C2012C00239>

Aboriginal Land Rights (Northern Territory) Act 1976

Available at <http://www.comlaw.gov.au/Series/C2004A01620>

Native Title Act 1993

Available at <http://www.comlaw.gov.au/Series/C2004A04665>

Legislative reform

Information about proposed reforms to Commonwealth Indigenous cultural heritage protection laws can be located online at the website of the Department of the Environment:

<http://www.environment.gov.au/heritage/australian-heritage-strategy>

<http://www.environment.gov.au/topics/heritage/laws-and-notices/indigenous-heritage-laws/reform-indigenous-heritage-protection-laws>

Research and resources

Australian Heritage Commission 1997a, *Policy in relation to Aboriginal and Torres Strait Islander People and the national estate*, Australian Heritage Commission, Canberra.

—1997b, *Australia's national heritage: options for identifying heritage places of national significance*, Australian Heritage Commission, Canberra.

—1998, *National heritage convention 1998*, Key Outcomes, Australian Heritage Commission, Canberra.

Australian Heritage Commission 2000, *Protecting heritage places information and resources kit: 10 steps to help protect the natural and cultural significance of places*, Australian Heritage Commission, Canberra,
<http://www.environment.gov.au/node/19341#intro>.

Australian Heritage Commission 2000, *Protecting local heritage places: a guide for communities*, Australian Heritage Commission, Canberra.

- Australian Heritage Commission 2012, *Nominating places to the national heritage list: a guide for Indigenous communities*, Australian Department of Sustainability, Environment, Water, Population and Communities & the Australian Heritage Commission, Canberra.
- Department of the Environment 2014, *A strategy for Australia's heritage: draft for consultation*, Commonwealth of Australia, Canberra.
<http://www.environment.gov.au/heritage/australian-heritage-strategy>.
- Edelman, D, Hall, T, Hayes, L, Byrne, J & Cowan, C 2010, *Commonwealth, state and territory heritage regimes: summary of provisions for Aboriginal consultation*, prepared by the Research Section of the Native Title Tribunal for the New South Wales Aboriginal Land Council, Canberra.
- Evatt, E 1996, *Review of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, Office of the Minister for Aboriginal and Torres Strait Islander Affairs, Parliamentary Paper 170:170–96.
- Finlayson, J 1998, 'Stirrings: update on proposed changes to the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)*', *Indigenous Law Bulletin* 4(14): 21, <http://www.austlii.edu.au>.
- Goldflam, R 1995, 'Between a rock and a hard place: the failure of Commonwealth sacred sites protection legislation', *Aboriginal Law Bulletin* 3(74): 13,
<http://www.austlii.edu.au>.
- 1997, 'Noble savage: Aboriginal heritage protection and the Evatt review', *Aboriginal Law Bulletin* 3(88).
- Indigenous Land Corporation 1998, *Comments on the Aboriginal and Torres Strait Islander heritage bill*, Indigenous Land Corporation.
- James, P 1995, 'Where is legislation appropriate and what form should it take?', in S Sullivan (ed.), *Cultural conservation: towards a national approach*, Australian Heritage Commission Special Australian Heritage Publication Series no. 9, Australian Government Publishing Service, Canberra.
- Lane, MB 2005, 'The Indigenous Land Corporation's first land management policy: reconciling national policy with the contingencies of local context', *Geographical Research* 43(2): 224–37.
- Leiboff, JM 2004, *Reconstructing the role of cultural significance in the protection of the movable Cultural Heritage Act 1986*, submitted in fulfilment of the degree of Doctor of Philosophy, Griffith Law School, NSW.
- National Native Title Tribunal 2010, *Commonwealth, state and territory heritage regimes: summary of provisions for Aboriginal consultation*, report prepared for the New South Wales Aboriginal Land Council, Commonwealth of Australia,
<http://www.alc.org.au>.
- Palyga, S 1995, 'Bridging the cultures: sacred site system needs reform', *Australian Lawyer* 22, n.p.

- Ritchie, D 1996, 'Australian heritage protection laws: an overview', in J Finlayson & A Jackson-Nakano (eds), *Heritage and native title: anthropological and legal perspectives*, Native Title Research Unit, AIATSIS, Canberra, pp. 28–39.
- Russell, PH 2005, *Recognising Aboriginal title: the Mabo case and Indigenous resistance to English-settler colonialism*, University of New South Wales Press, Australia.
- Schnierer, E, Ellsmore, S & Schnierer, S 2011, 'State of Indigenous cultural heritage 2011', *Australia — state of the Environment 2011*, Prepared for the Department of Sustainability, Environment, Water, Population and Communities, Canberra, <http://www.environment.gov.au/science/soe/2011-report/supplementary>.
- Shearing, S 2006, 'One step forward: recent developments in Australian state and territory Indigenous cultural heritage laws', *Macquarie Journal of International & Comparative Environmental Law* 3(1): 35–66.
- 2012, 'Reforming Australia's national heritage law framework', *Macquarie Journal of International & Comparative Environmental Law* 8(2): 71–95.
- Sutherland, J 2000, 'Federal heritage protection bill: Senate upgrade rebuffed', *Indigenous Law Bulletin* 4(27): 21.
- Trustcott, M & Australian Department of Communications and the Arts 1997, *Draft guidelines for the protection, management and use of Aboriginal and Torres Strait Islander cultural heritage places*, Indigenous Cultural Heritage Protection Program, Dept. of Communications and the Arts, Canberra.

Australian Capital Territory

Legislation

Aboriginal Land Grant (Jervis Bay Territory) Act 1986

Heritage Act 2004

Heritage Legislation Amendment Bill 2013

Nature Conservation Bill 2014

Research and resources

Agreement between the Australian Capital Territory and ACT native title claim groups, 2001. Available at *Agreements, Treaties and Negotiated Settlements Project Database*, <http://www.atns.net.au/agreement.asp?EntityID=1843>.

Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) 2014, *Native title information handbook: Australian Capital Territory*, Native Title Research Unit, AIATSIS, Canberra, <http://www.aiatsis.gov.au/ntru/resources.html>.

Department of Disability, Housing & Community Services 2010, 'Native title in the ACT', fact sheet, http://www.communityservices.act.gov.au/data/assets/pdf_file/0012/141033/Native_Title.pdf.

Department of Territory and Municipal Services 2010, *Namadgi National Park plan of management*, ACT Government, Canberra.

Department of Environment and Sustainable Development 2011, 'How is Aboriginal heritage protected in the ACT?', ACT Government information sheet, http://www.environment.act.gov.au/data/assets/pdf_file/0016/581002/7.ACT_Heritage_legislation_-_Aboriginal_Heritage.pdf.

Department of Territory and Municipal Services 2010, *Heritage Act 2004 Review — discussion paper*, ACT Government, Canberra, http://www.matrix03.act.gov.au/data/assets/pdf_file/0004/232735/Heritage_Act_2004_Review_Discussion_Paper_FINAL.pdf.

Marshall, D 2010, *Australian Capital Territory Heritage Act Review*, report prepared for the Minister for the Arts & Heritage, ACT Government, Canberra.

Northern Territory (NT)

Legislation

Aboriginal Sacred Sites Ordinance 1978 (repealed)

Aboriginal Sacred Sites Act (No. 2) 1978 (repealed)

Aboriginal Sacred Sites Amendment Act 1983, No. 57 of 1983 (repealed)

Criminal Code s.125, part of *Criminal Code Act 1983*

Environmental Assessment Act 1982

Heritage Conservation Act 1991 (repealed)

Heritage Act 2011 (replaced the *Heritage Conservation Act 1991*)

Native and Historical Objects and Areas Preservation Ordinance 1955–61 (repealed)

Northern Territory Aboriginal Sacred Sites Act 1989

Northern Territory Aboriginal Sacred Sites Regulations 2004

Legislative reform

Information and publications regarding legislative reform and heritage policy can be found online at the Northern Territory's Department of Lands, Planning and the Environment, <http://www.dlp.nt.gov.au/heritage/heritage-act>.

Research and resources

Aboriginal Areas Protection Authority 'Fact Sheet' webpage, <http://www.aapant.org.au/fact-sheets.html>.

Aboriginal Areas Protection Authority 2012, Annual Report for the period ending 30 June 2012, Aboriginal Areas Protection Authority, Darwin, http://www.aapant.org.au/images/annualReports/2012-2013_aapa.pdf.

- Altman, J 2008, *Fresh water in the Maningrida region's hybrid economy: intercultural contestation over values and property rights*, Centre for Aboriginal Economic Policy Research, Australian National University, Canberra, <http://caepr.anu.edu.au/Publications/WP/2008WP46.php>.
- Elias, C 2007, 'The measures of dreams', in J Weiner & K Glaskin (eds), *Customary land tenure and registration in Australia and Papua New Guinea*, ANU E Press, Canberra, pp.223–46, http://press.anu.edu.au/titles/asia-pacific-environment-monographs/customary_citation/.
- Federation of Australian Historical Societies, 'Heritage identification and protection Northern Territory' webpage, <http://www.history.org.au/Heritage%20identification%20and%20protection%20-%20Northern%20Territory.html>.
- Gladstone, L 1996, 'Unnecessary disputes? Atomism, collectivism and land claims in the Northern Territory', in J Finlayson & A Jackson-Nakano (eds), *Heritage and native title: anthropological and legal perspectives*, Native Title Research Unit, Native Title Research Unit, AIATSIS, Canberra, pp. 203–14.
- Goldflam, R 1997, 'Noble savage: Aboriginal heritage protection and the Evatt review', *Aboriginal Law Bulletin* 3(88).
- Hayes, L 2009, *Indigenous cultural heritage schemes in Victoria, Queensland and the Northern Territory: an overview*, prepared for the South Australia Native Title Resolution Negotiating Parties by the Research Section of the National Native Title Tribunal, Canberra, <http://www.nntt.gov.au/Mediation-and-agreement-making-services/Documents/research%20documents/Vic-Qld-and-NT-heritage-overview.pdf>.
- Hamilton, C 1996, *Mining in Kakadu: lessons from Coronation Hill*, discussion paper no. 9, Australia Institute, Canberra.
- House of Representatives Standing Committee on Legal and Constitutional Affairs 2007, *The Long road to statehood: report of the inquiry into the federal implications of statehood for the Northern Territory*, Commonwealth of Australia, Canberra, http://www.aph.gov.au/parliamentary_business/committees/house_of_representative_s_committees?url=report_register/bycomlist.asp?id=941.
- Levitus, R 2007, 'Laws and strategies: the contest to protect Aboriginal interests at Coronation Hill', in J Weiner & K Glaskin (eds), *Customary land tenure and registration in Australia and Papua New Guinea*, ANU E Press, Canberra, pp. 247–72, http://press.anu.edu.au/titles/asia-pacific-environment-monographs/customary_citation/.
- McKenna, SL 1995, 'Assessing the relative allocative efficiency of the *Native Title Act 1993* and the *Aboriginal Land Rights (Northern Territory) Act 1976*', CAEPR Discussion Papers, no. 79, ANU, Canberra.

McWilliam, A 1998, 'Negotiating desecration: sacred sites damage and due compensation in the Northern Territory', *Australian Aboriginal Studies* 1: 2–10,
<http://search.informit.com.au/documentSummary;dn=148525969913988;res=IELIND>

⋮

Northern Territory Department of Natural Resources, Environment, the Arts and Sport 2010a, *Briefing notes for the review of the Heritage Conservation Act 1991*, Northern Territory Government.

—2010b, Northern Territory Heritage Act 2009 — *Consultation draft: a bill for an Act about the Territory's cultural and natural heritage*, Northern Territory Government.

—2010c, *Summary paper: proposed new heritage legislation for the Northern Territory 2010*, Northern Territory Government.

Office of Environment and Heritage 1996, *A guide to the environmental impact assessment process in the Northern Territory*, Northern Territory Government.

Putnis, A 2007, *Healthy country, healthy people: supporting Indigenous engagement in the sustainable management of Northern Territory land and seas*, CSIRO, Northern Territory,
<http://www.csiro.au/Outcomes/Environment/Biodiversity/HealthyCountryHealthyPeopleReport.aspx>.

Scambray, B & Smith, G 2013, 'Profit over protection: the Bootu Creek sacred site desecration case', seminar in the series Culture in Crisis? The Protection and Trade of Indigenous Heritage in the 21st Century, AIATSIS, Canberra, 19 August,
<http://www.aiatsis.gov.au/research/seminarseries/SeminarSeries2013-2.html>.

Storey, M 2003, 'From red-neck to green-black: mineral exploration and native title in the Northern Territory', *Environmental and Planning Law Journal* 20(4): 275.

Strelein, L 2009, 'The vulnerability of native title: *Fejo v Northern Territory*', in L Strelein (ed.), *Compromised jurisprudence: native title cases since Mabo*, Aboriginal Studies Press, Canberra.

Wooten, H 1994, 'The Alice Spings dam and sacred sites' in M Goot & T Rowse (eds), *Make a better offer: the politics of Mabo*, Pluto Press.

New South Wales (NSW)

Legislation

Environmental and Planning Assessment Act 1979

National Parks and Wildlife Act 1974

Heritage Act 1977

Heritage Regulations 2006

Legislative reform

Publications regarding legislative reform and heritage policy can be found at the NSW Government's Department of Environment and Heritage Aboriginal cultural heritage reform website, <http://www.environment.nsw.gov.au/achreform/index.htm>.

Submissions to the NSW government's 2011 discussion paper *Aboriginal heritage legislation in NSW: public consultation on issues for reform* are available online at <http://www.environment.nsw.gov.au/achreform/ACHmedia.htm>.

Organisations and individuals who provided public submissions on the discussion paper include:

Aboriginal Cultural Heritage Advisory Committee
Archaeological and Heritage Management Solutions
Australian Association of Consulting Archaeologists
Australian Museum
Ballina Environment Society
Balranald Local Aboriginal Land Council
Birpai Local Aboriginal Land Council
Cessnock City Council
Darkinjung Local Aboriginal Land Council
Dorrigo Local Aboriginal Land Council
Duncan, L
Eastern Region Local Government Aboriginal & Torres Strait Islander Forum
Environment Protection Authority
Environmental Defenders' Office
Eurobodalla Shire Council
Foley, Cliff
Garigal Aboriginal Community
Gimbay Gatigaan Aboriginal Corporation
Grafton Ngerrie Local Aboriginal Land Council
Greater Blue Mountains World Heritage Area Advisory Committee
Greens NSW
Hayward, Brett
Hunt, Janet
John Cook Foundation and Numbahging Traditional Owners Group
Karuah Local Aboriginal Land Council
La Perouse Local Aboriginal Land Council
Leeton Local Aboriginal Land Council
Mid-Western Regional Council
Moombahlene Local Aboriginal Land Council
Ngambri Local Aboriginal Land Council
NSW Aboriginal Land Council and NTSCORP

NSW Minerals Council
Organ, Michael
Penrith City Council
Ridgeway-Bissett, Carol
Roads and Maritime Services, NSW
Stanley, Gwenda
Sydney Water
Tharawal Local Aboriginal Land Council
Trade and Investment, NSW
Trangie Local Aboriginal Land Council
Ulladulla Local Aboriginal Land Council
Wy Kanak, Dominic

Research and resources

- Australian Institute of Aboriginal and Torres Strait Islander Studies 2014, *Native title information handbook: New South Wales*, Native Title Research Unit, AIATSIS, Canberra, <http://www.aiatsis.gov.au/ntru/resources.html>.
- Baird, W & Lenehan, R 2002, 'The process in NSW leading to joint management of Aboriginal owned land and the register of Aboriginal owners', *Environmental and Planning Law Journal* 19(4): 277.
- Dwyer, G & Taylor, M 2013, 'Moving from consideration to application: the uptake of principles of ecologically sustainable development in environmental decision-making in New South Wales', *Environmental and Planning Law Journal* 30(3): 185–219.
- Ellsmore, S 2012, *Protecting the past, guarding the future*, New South Wales Aboriginal Land Council.
- English, A 2002, 'More than archaeology: developing comprehensive approaches to Aboriginal heritage management in NSW', *Australian Journal of Environmental Management* 9(4): 218–27.
- Environmental Defenders Office (EDO) NSW 2012, *Caring for country: a guide to environmental law for Aboriginal communities in NSW*, EDO NSW, http://www.edonsw.org.au/caring_for_country_widget.
- Foley, D 2007, 'What has native title done to the urban Koori in New South Wales who is also a traditional custodian?', in B Smith & F Morphy (eds), *The social effects of native title: recognition, translation, coexistence*, CAEPR Research Monographs, no. 27, ANU E Press, Canberra, http://press.anu.edu.au/titles/centre-for-aboriginal-economic-policy-research-caepr/c27_citation.
- Geering, K & Roberts, C 1992, 'Current limitations on Aboriginal involvement in Aboriginal site management in central west and northwest NSW', in J Birckhead, T De Lacy & L Smith (eds), *Aboriginal involvement in parks and protected areas*, Aboriginal Studies Press, Canberra, n.p.

- Guilfoyle, D 2006, *Aboriginal cultural heritage regional studies: an illustrative approach*, Cultural Heritage Division, Department of Environment and Conservation, NSW, <http://www.environment.nsw.gov.au/nswcultureheritage/AboriginalCulturalHeritageRegionStudies.htm>.
- Hayward, B 2011, *Towards standalone Aboriginal heritage legislation in NSW: a critical analysis and proposals for an alternative plan*, submission to Aboriginal Culture and Heritage Reform Working Party, NSW Office of Environment and Heritage, <http://www.environment.nsw.gov.au/resources/cultureheritage/21BHAYWARD.pdf>.
- Hunt, J 2012, *Protecting Aboriginal heritage in New South Wales*, CAEPR Topical 3, Centre for Aboriginal Economic Policy Research (ANU College of Arts & Social Sciences), the Australian National University, Canberra, http://caepr.anu.edu.au/sites/default/files/Publications/topical/TI2012_02_Hunt.pdf.
- Macdonald, G 1997, ‘“Recognition and justice”: the traditional/historical contradiction in New South Wales’, in DE Smith & J Finlayson (eds), *Fighting over country: anthropological perspectives*, CAEPR Research Monographs, no. 12, Australian National University, Canberra, pp. 65–82.
- Neate, G 1993, ‘Looking after country: legal recognition of traditional rights to and responsibilities for land, New South Wales’, *University of New South Wales Law Journal* 16(1): 161–222.
- New South Wales Aboriginal Land Council 2010a, *Caring for culture*, Policy and Research Unit, NSW ALC, Sydney, <http://www.alc.org.au/media/69363/caring%20for%20culture%20final.pdf>.
- 2010b, *Our site our rites*, Policy and Research Unit, NSW ALC, Sydney, <http://www.alc.org.au/media/61784/110215%20our%20sites%20our%20rights%20final.pdf>.
- New South Wales Government Department of Environment, Climate Change & Water 2010a, *Due diligence code of practice for the protection of Aboriginal objects in New South Wales*, Department of Environment, Climate Change and Water, Sydney, <http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf>.
- 2010b, ‘Part 6 — *National Parks and Wildlife Act 1974*’, in *Aboriginal cultural heritage consultation requirements for proponents 2010*, NSW Government, Sydney, <http://www.alc.org.au/media/43239/1004%20deccw%20community%20consultation%20requirements.pdf>.
- 2012a, ‘Comparing the NSW Aboriginal Heritage system with other Australian systems’, in *Aboriginal heritage legislation in NSW*, NSW Government, <http://www.environment.nsw.gov.au/achreform/20120402ACHcomparison.htm>.
- 2012b, ‘How the Aboriginal heritage system works’, in *Aboriginal heritage legislation in NSW*, NSW Government, <http://www.environment.nsw.gov.au/resources/cultureheritage/20120401system.pdf>.

- 2013, 'Reforming the Aboriginal cultural heritage system in NSW', in *A NSW Government model in response to the ACH reform working party's recommendations and public consultation*, NSW Government,
<http://www.environment.nsw.gov.au/resources/cultureheritage/20130760achrefgov.pdf>.
- Organ, MK 1994, 'A conspiracy of silence — the NSW National Parks and Wildlife Service and Aboriginal cultural heritage sites', *Aboriginal Law Bulletin* 3(67): 4–7,
<http://www.environment.nsw.gov.au/resources/cultureheritage/15MORGAN.PDF>.
- Packham, A 2014, 'Legislative shortcomings hindering Aboriginal cultural heritage protection', Clayton Utz Pty Ltd, Sydney,
http://www.claytonutz.com/publications/news/201403/01/legislative_shortcomings_hindering_aboriginal_cultural_heritage_protection.page.
- Pepper, RP 2014, 'Not plants or animals: the protection of Indigenous cultural heritage in Australia', paper presented at the Australasian Conference of Planning and Environment Courts and Tribunals, Hobart, 5 March,
http://www.lec.justice.nsw.gov.au/agdbasev7wr/assets/lec/m4203011711808/not_plants_or_animals.pdf#xml=http://search.justice.nsw.gov.au/isysquery/85316a51-601e-47c0-8310-c6839df75ccb/9/hilite/.
- Sutton, M, Huntley, J & Anderson, B 2013, "All our sites are of high significance": reflections from recent work in the Hunter Valley — archaeological and Indigenous perspectives', *Journal of the Australian Association of Consulting Archaeologists* 1:1–14.
- Wiffen, G 1998, 'Heritage and local government in New South Wales', in G Couvalis, C Simpson & H MacDonald (eds), *Cultural heritage: values and rights: edited proceedings of the international conference on cultural heritage*, International Conference on Cultural Heritage, Flinders University, Adelaide.

Queensland (QLD)

Legislation

- Aboriginal Cultural Heritage Act 2003*
Aboriginal Relics Preservation Act 1967 (repealed)
Criminal Code 1899, ss. 206 and 207
Cultural Records Act 1987 (repealed)
Environment Protection Act 1994
Land and Resources Tribunal Act 1999
Queensland Heritage Act 1992
Torres Strait Islander Cultural Heritage Act 2003

Legislative reform

Publications regarding legislative reform and heritage policy can be found on the website of the Queensland Department of Aboriginal and Torres Strait Islander and Multicultural Affairs, <http://www.datsima.qld.gov.au/datsima/department-of-aboriginal-and-torres-strait-islander-and-multicultural-affairs>.

Research and resources

Allens Arthur Robinson 2004, 'Queensland moves to protect Aboriginal cultural heritage', Allens, Australia, <http://www.allens.com.au/pubs/nat/foat2apr04.htm>.

Australian Archaeological Association 2009, submission to the Review of the *Queensland Indigenous Cultural Heritage Act*, Australian Archaeological Association Inc., 28 February.

—2010a, *Queensland Indigenous Heritage Act review: key issues and draft recommendations*, submission to the Review of the *Queensland Indigenous Cultural Heritage Act*, Australian Archaeological Association Inc.

—2010b, submission for the inquiry into the Aboriginal and Torres Strait Islander Land Holding Bill 2011, *Queensland Indigenous Cultural Heritage Act* review: key issues and draft recommendations, unpublished.

Barkley, R et al. 2008, 'Collaboration and innovation in the management of cultural landscapes in mining contexts, western Cape York, far north Queensland', *Historic Environment* 21(3).

Comerford, E 2011, *Exploring motivations for non-compliance with DERM legislation: a scoping study using perceptions of DERM staff*, Department of Environment and Resource Management, Queensland.

De Rijke, K 2012, 'The symbolic politics of belonging and community in peri-urban environmental disputes: the Traveston Crossing Dam in Queensland, Australia', *Oceania* 82(3): 278–93.

Deacons 2004, *Aboriginal Cultural Heritage Act 2003 and Torres Strait Islander Cultural Heritage Act 2003*, Deacons.

Department of Aboriginal and Torres Strait Islander and Multicultural Affairs 2004, *Aboriginal Cultural Heritage Act 2003 duty of care guidelines*, Queensland Government, <http://www.datsima.qld.gov.au/datsima/aboriginal-torres-strait-islander/aboriginal-torres-strait-islander-peoples/aboriginal-and-torres-strait-islander-cultural-heritage/the-cultural-heritage-duty-of-care>.

—2014, *Aboriginal Heritage Act 2003 duty of care guidelines*, Queensland Government, <http://www.datsima.qld.gov.au/resources/datsima/atsis/people/cultural-heritage/duty-care-guidelines.pdf>.

- Department of Environment and Heritage Protection 2014, *Consultation report on our heritage: a collaborative effort*, Review of the Queensland Heritage Act 1992, Queensland Government,
<http://www.ehp.qld.gov.au/assets/documents/land/heritage/qld-heritage-act-reform-consultation-report.pdf>.
- Department of Environment and Resource Management 2010, 'Indigenous cultural heritage acts review non-legislative outcomes', Queensland Government,
<http://www.cabinet.qld.gov.au/documents/2010/sep/exposure%20draft%20of%20indigenous%20cultural%20heritage%20bill%2011/Attachments/Non-legislative%20outcomes%20of%20the%20Review.pdf>.
- Department of Natural Resources and Mines 2013, *Guide to the native title process*, Native Title Services of Department of Natural Resources and Mines, Queensland.
- Ellis, B 2003, 'Integration of natural resources management under Queensland mining legislation', *Environmental and Planning Law Journal* 20(1): 66.
- Ellis, RW 1994, 'Rethinking the paradigm: cultural heritage management in Queensland', *Ngulaig Monograph* 10: iv–25.
- Environmental Defenders Office of Northern Queensland, *Fact Sheet Series*,
http://www.edonq.org.au/Fact_Sheets.html.
- Everingham, J, Barnes, R, & Brereton, D 2013, *Gulf Communities agreement 2008–2013, 15 year review*, CSRM, University of Queensland, Brisbane,
https://www.csrn.uq.edu.au/MMG_Century_15_year_GCA_Review_FINAL.pdf.
- Everingham, J, Brereton, D, Arbelaez-Ruiz, D, Barnes, R, Collins, N, Weldegiorgis, F, Rogers, P & Oñate Santibáñez, B 2013, *Social aspects of the closure of Century Mine: combined report*, CSRM, Brisbane,
<https://www.csrn.uq.edu.au/publications/social-aspects-of-the-closure-of-century-mine-combined-report>.
- Fourmile, H 1996, 'The Queensland Heritage Act 1992 and the Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987: legislative discrimination in the protection of Indigenous cultural heritage', *Australian Indigenous Law Report* 507.
- Greer, S & Henry, R 1996, 'The politics of heritage: the case of Kuranda skyrail', in J Finlayson & A Jackson-Nakano (eds), *Heritage and native title: anthropological and legal perspectives*, Native Title Research Unit, AIATSIS, Canberra, pp. 16–27.
- Hayes, L 2009, *Indigenous cultural heritage schemes in Victoria, Queensland and the Northern Territory: an overview*, prepared for the South Australia Native Title Resolution Negotiating Parties by the Research Section of the National Native Title Tribunal, Canberra.

- Memcott, P, Blackwood, P & McDougall, S 2007, 'A regional approach to managing Aboriginal land title on Cape York', in J Weiner & K Glaskin (eds), *Customary land tenure and registration in Australia and Papua New Guinea*, ANU E Press, Canberra, pp. 273–98, http://press.anu.edu.au/titles/asia-pacific-environment-monographs/customary_citation/.
- Memcott, P & Blackwood, P 2013, 'Managing mixed Indigenous land titles: Cape York case studies', in T Bauman, L Strelein & J Weir (eds), *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra, pp. 217–52.
- Queensland Government 2010a, *Indigenous Cultural Heritage Acts Amendment Bill 2011: explanatory notes* (exposure draft only), <http://www.cabinet.qld.gov.au/about.aspx>.
- 2010b, *Exposure draft of the Indigenous Cultural Heritage Acts Amendment Bill 2011*, <http://www.cabinet.qld.gov.au/about.aspx>.
- 2011, *Aboriginal and Torres Strait Islander Land Holding Bill 2011: explanatory notes*, <http://www.cabinet.qld.gov.au/about.aspx>.
- Queensland South Native Title Services 2009, submission to the review of the *Aboriginal Cultural Heritage Act 2003*, <http://www.qsnts.com.au/publications/SubmissiononReviewofAboriginalCulturalHeritageAct2003.pdf>.
- Schnierer, E 2010, *Caring for culture: perspectives on the effectiveness of Aboriginal cultural heritage legislation in Victoria, Queensland and South Australia*, prepared for the New South Wales Aboriginal Land Council, Parramatta Sydney.
- Shiner, J & Morrison, MJ 2009, 'The contribution of heritage surveys towards understanding the cultural landscape of the Weipa bauxite plateau', *Australian Archaeology* 68: 52–55.
- Snape, K 2003, 'Queensland's new cultural heritage laws', *Native Title in the News*, 6(5): 75.
- Stephenson, M 2006, 'Queensland's Indigenous cultural heritage legislation: a critique', *Journal of South Pacific Law* 10(2), <http://www.usp.ac.fj/index.php?id=13331>.
- Trigger, D & Robinson, M 2001, 'Mining, land claims and negotiations of Indigenous interests: research from the Queensland Gulf Country and Pilbara region of Western Australia', *Senri Ethnological Studies* 59: 101–16.
- Weiner, JF, Godwin, L & Oste-Brown, SL 2002, *Australian Aboriginal heritage and native title: an example of contemporary Indigenous connection to country in central Queensland*, National Native Title Tribunal, Perth WA.

South Australia (SA)

Legislation

Aboriginal Heritage Act 1988

Aboriginal Heritage Act 1979 (repealed)

Aboriginal and Historic Relics Act 1965 (repealed)

Criminal Law Consolidation Act 1935, s. 167

Environment Protection Act 1993

Heritage Places Act 1993

Legislative reform

Publications relating to legislative reform and heritage policy can be found at the Department of Premier and Cabinet Review of the *Aboriginal Heritage Act 1988* website, <http://dpc.sa.gov.au/review-aboriginal-heritage-act-1988>.

Research and resources

Agius P, Davies, J, Howitt, R & Johns, L 2002, *Negotiating comprehensive settlement of native title issues: building a new scale of justice in South Australia*, Land, Rights, Laws: Issues of Native Title 2(20).

Andrews, N 1998, 'Dissenting in paradise? The Hindmarsh Island Bridge royal commission', *Canberra Law Review* 5(1–2): 5–76.

Brunton, R 1996, 'The Hindmarsh Island Bridge and the credibility of Australian anthropology', *Anthropology Today* 12: 2–7.

—1999 'Hindmarsh Island and the hoaxing of Australian anthropology', *Quadrant* 43: 11–17.

Charlesworth, H 1997, 'Little boxes: a review of the Commonwealth Hindmarsh Island report', *Aboriginal Law Bulletin* 90(3), <http://www.austlii.edu.au/>.

Clarke, J 1997, 'Should the parliament enact the Hindmarsh Island bill', *Aboriginal Law Bulletin* 3(89): 15, <http://www.austlii.edu.au/>.

Department of the Premier and Cabinet 2008, *Review of the Aboriginal Heritage Act 1988 scoping paper*, Government of South Australia, <http://dpc.sa.gov.au/review-aboriginal-heritage-act-1988>.

Harris, M 1996, 'The narrative of law in the Hindmarsh Island royal commission' in M Chanock & C Simpson (eds), *Law and cultural heritage*, La Trobe University Press, Melbourne.

Hemming, S & Rigney, D 2010, 'Decentring the new protectors: transforming Aboriginal heritage in South Australia', *International Journal of Heritage Studies* 16(1): 90–106.

- Hemming, S & Trevorrow, T 2005, 'Kungun Ngarrindjeri Yunnan: archaeology, colonialism and reclaiming the future', in C Smith & M Wobst (eds), *Indigenous archaeologies: decolonising theory and practice*, Routledge, London, pp. 243–61.
- Fergie, D 1995, 'Whose sacred sites? Privilege in the Hindmarsh Island Bridge debate', *Current Affairs Bulletin* 72(2): 14–22.
- 1996, 'Secret envelopes and inferential tautologies', *Journal of Australian Studies* 20: 13–24.
- 1997, 'Having it out over Hindmarsh: an essay on the significance of manners' in D Smith & J Finlayson (eds), *Fighting over country: anthropological perspectives*, AIATSIS, Canberra, n.p.
- Lucas, R 1996 'The failure of anthropology in the Hindmarsh Island Bridge case', *Journal of Australian Studies* 19(48): 40.
- Maddox, M 1998, 'Religion in the Hindmarsh Island controversy', in G Couvalis, H Macdonald & C Simpson (eds), *Cultural heritage: values and rights*, Flinders University Centre for Applied Philosophy, Flinders University, pp. 61–79.
- Malone, G 2007, 'Ways of belonging: reconciliation and Adelaide's public space Indigenous cultural markers', *Geographical Research* 45:158–66,
<http://onlinelibrary.wiley.com/doi/10.1111/j.1745-5871.2007.00445.x/abstract>.
- Nicholls, C 1995, 'Language, ideology and the Hindmarsh Island Bridge affair', *Education Australia* 33, n.p.
- Nicholls, C 1996, 'Misrepresenting Hindmarsh', *Arena Magazine*, 20: 24–26.
- Olge, G 2002, 'Just when you thought it was safe to talk about Hindmarsh Island', *Indigenous Law Bulletin* 3(15): 16.
- Roberts, AL 2003, 'Knowledge, power and voice: an investigation of Indigenous South Australian perspectives of archaeology', PhD thesis, Flinders University, Adelaide.
- Roberts, A, Hemming S, Trevorrow, T, Trevorrow, G, Rigney, M, Rigney, G, Agius, L & Agius, R 2005, 'Nukun and Kungun Ngarrindjeri Ruwe (Look and listen to Ngarrindjeri country): an investigation of Ngarrindjeri perspectives of archaeology in relation to native title and heritage matters', *Australian Aboriginal Studies* 1: 45–53.
- Roughan, S 2010, *"It's not just about sacred sites", a qualitative analysis of the community consultation process of the 2009 review of the Aboriginal Heritage Act, 1988*, Rural Solutions SA, Adelaide SA.
- Rumley, H 1998, 'South Australian Aboriginal heritage legislation', in GD Meyers & A Fields (eds), *Identity, land and culture in the era of native title*, selected essays from the 1996 seminar series of the National Native Title Tribunal, Perth.
- Schnierer, E 2010, *Caring for culture: perspectives on the effectiveness of Aboriginal cultural heritage legislation in Victoria, Queensland and South Australia*, prepared for the New South Wales Aboriginal Land Council, Parramatta.

Simons, M 2002, 'The meeting of the waters: the Hindmarsh Island affair', in A Abramson & D Theodossopoulos (eds), *Land and law and environment: mythical land, legal boundaries*, Pluto Press, n.p.

State Aboriginal Heritage Committee, Aboriginal Congress of South Australia, Local Government Association of South Australia Inc., South Australian Chamber of Mines and Energy Inc., South Australian Farmers Federation Inc., South Australian Native Title Services Ltd & Wildcatch Fisheries SA Inc. 2009, joint submission on the review of the *Aboriginal Heritage Act 1988*,
https://www.lga.sa.gov.au/webdata/resources/files/Joint_Submission_on_the_Review_of_the_Aboriginal_Heritage_Act_1988.pdf.

Stevens, IE 1995, *Report of the Hindmarsh Island Bridge royal commission*, Adelaide, South Australian Government, South Australia.

Taubman, A 2002, 'Protecting Aboriginal sacred sites: the aftermath of the Hindmarsh Island dispute', *Environment and Planning Law Journal* 19(2): 140–58.

Tonkinson, R 1997, 'Anthropology and Aboriginal tradition: the Hindmarsh Island Bridge affair and the politics of interpretation', *Oceania* 68(1).

Weiner, JF 1999, 'Culture in a sealed envelope: the concealment of Australian Aboriginal heritage and tradition in the Hindmarsh Island Bridge affair', *Journal of Royal Anthropological Institute* 5(2): 193–219.

—2002 'Religion, belief and action: the case of the Ngarrindjeri women's business on Hindmarsh Island, South Australia 1994–1996', *Australian Journal of Anthropology* 13(1): 51–71.

Wiltshire, KD & Wallace, LA 2008, 'A history of Aboriginal heritage protection legislation in South Australia'. *Environmental Planning and Law Journal* 25: 98–114,
http://ehlt.flinders.edu.au/archaeology/departments/publications/wallis/j06_v025_EPL_J_pt02_wiltshire_%26_wallis_offprints.pdf.

Woo, C 1998, 'The Hindmarsh Island bridge controversy: your secret is safe with me', in GD Meyers & A Field (eds), *Identity, land and culture in the era of native title*, National Native Title Tribunal, Perth.

Tasmania (TAS)

Legislation

Aboriginal Relics Act 1975

Constitution Act 1934, s. 46

Criminal Code ss. 120 and ss. 121, part of *Criminal Code Act 1924*

Environmental Management and Pollution Control Act 1994

Historic Cultural Heritage Act 1995

National Parks and Wildlife Act 1970

Museums (Aboriginal Remains) Act 1970

Aboriginal Heritage Protection Bill 2013

Legislative reform

Publications and factsheets relating to legislative reform can be found at the [Parliament of Tasmania website](#) and at the website of the Department of Primary Industries, Parks, Water and Environment, <http://dpipwe.tas.gov.au/about-the-department/aboriginal-heritage-protection-legislation>.

The following organisations and individuals made submissions to the Draft Aboriginal Heritage Protection Bill 2012 (Tas.). Their submissions are no longer available on the Tasmanian government website; however, some may be located on the webpages of their authors.

- AHL Submission No.1 — Wilson
- AHL Submission No.2 — Coulson
- AHL Submission No.3 — Docking
- AHL Submission No. 4 — Sonntag
- AHL Submission No.5 — Lehman
- AHL Submission No.6 — Gough
- AHL Submission No.7 — Bednarik
- AHL Submission No.8 — Huon Valley Council
- AHL Submission No.9 — Tasmanian Aboriginal Centre
- AHL Submission No10 — Sims
- AHL Submission No.11 — Anonymous
- AHL Submission No.12 — Arts Law Centre of Australia
- AHL Submission No.13 — Australian Archaeological Association
- AHL Submission No.14 — Interim Aboriginal Heritage Council
- AHL Submission No.15 — Glenorchy City Council
- AHL Submission No.16 — Southern Midlands Council
- AHL Submission No.17 — Hydro Tasmania
- AHL Submission No.18 — Transend
- AHL Submission No.19 — Chugg
- AHL Submission No.20 — Smith
- AHL Submission No.21 — Property Council of Australia
- AHL Submission No.22 — Uniting Aboriginal and Islander Christian Congress
- AHL Submission No.23 — SKM (Jones)
- AHL Submission No.24 — Aurora
- AHL Submission No.28 — Central Highlands Council
- AHL Submission No.26 — Forestry Tasmania
- AHL Submission No.27 — Heritage Protection Society (Morrell)

AHL Submission No.28 — Australia ICOMOS
AHL Submission No.29 — Southern Tasmanian Regional Planning Project
AHL Submission No.30 — Australian Association of Consulting Archaeologists
AHL Submission No.31 — Hesline
AHL Submission No.32 — Seaborn
AHL Submission No.33 — Cultural Heritage Practitioners Tasmania
AHL Submission No.34 — Tasmanian Farmers and Graziers Association
AHL Submission No.35 — Brighton Council
AHL Submission No.36 — Cement Concretes and Aggregates Tasmania
AHL Submission No.37 — Forest Practices Authority
AHL Submission No.38 — Anonymous
AHL Submission No.39 — Local Government Association of Tasmania
AHL Submission No.40 — Forest Industries Association of Tasmania
AHL Submission No.41 — Telstra

Research and resources

Allen, J 1995, 'A short history of the Tasmanian affair', *Australia Archaeology* 41: 42–48.

Ashurst Australia 2012, 'Native title alert: exposure draft of the Aboriginal Heritage Protection Bill 2012', http://www.ashurst.com/office.aspx?id_Content=6891.

Lennon, J 2000, 'A history of Aboriginal heritage legislation in south-eastern Australia', *Australian Archaeology* 50: 109–18.

Mulvaney, J 2007, *The axe had never sounded: place, people and heritage of Recherche Bay*, Aboriginal History Monograph 14, ANU E Press and Aboriginal History Inc., Canberra, http://press.anu.edu.au/titles/aboriginal-history-monographs/axe_citation/pdf-download/.

Smith, L 2004, *Archaeological theory and the politics of cultural heritage*, Routledge, Oxfordshire and New York.

Tasmanian Government 2013, *Proposed Aboriginal Heritage Protection Bill 2013 Fact Sheet*,
http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CCYQFjAB&url=http%3A%2F%2Fwww.parliament.tas.gov.au%2Fbills%2FBills2013%2Fpdf%2Fnotes%2F73_of_2013-Fact%2520Sheet.pdf&ei=rM6qU-f6J8WpkAXK7oC4Cg&usq=AFQjCNGfXkpApYwdUZhHeej9vbQGwyZ92w&sig2=ZdZqwJNi_CWtXnUVx6uhZQ&bvm=bv.69620078,d.dGI.

Tasmanian Government, *Proposed Aboriginal Heritage Protection (Consequential Amendments) Bill 2013 Fact Sheet*,
http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB4QFjAA&url=http%3A%2F%2Fwww.parliament.tas.gov.au%2Fbills%2FBills2013%2Fpdf%2Fnotes%2F72_of_2013-

[Fact%2520Sheet.pdf&ei=p9KqU_DmG4HlkAWE3IGABQ&usq=AFQjCNG6uDCL-0Bv0eGSuwsjpl_Gn2OFUA&sig2=3b1vMnp8UTOgy3qIVLndXw&bvm=bv.69620078,d.dGI&cad=rja.](#)

Taylor, R 2013, 'Genocide, extinction and Aboriginal self-determination in Tasmanian historiography', *History Compass* 11(6): 405–18.

Victoria (VIC)

Legislation

Aboriginal Heritage Act 2006

Archaeological and Aboriginal Relics Preservations Act 1972 (repealed)

Charter of Human Rights and Responsibilities Act 2006, ss. 14 and 19

Environment Protection Act 1970

Heritage Act 1995

Aboriginal Heritage Regulations 2007

Draft Aboriginal Heritage Bill 2005

Aboriginal Heritage Amendment Bill 2014 — Exposure Draft

Legislative reform

Publications relating to legislative reform and heritage policy can be found at the Department of Premier and Cabinet <http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/aboriginal-cultural-heritage/review-of-the-aboriginal-heritage-act-2006>

In 2012, the following organisations and individuals made public submissions to the *Review of the Aboriginal Heritage Act 2006 (Vic.) issues and options paper*. Many of these are, at time of writing, available online at <http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/aboriginal-cultural-heritage/review-of-the-aboriginal-heritage-act-2006>.

[Acciona Energy](#)

[Annette Xiberras](#)

[Astronomical Society of Victoria](#)

[Australian Association of Consulting Archaeologists Inc](#)

[Banyule City Council](#)

[Biosis Research](#)

[Brimbank City Council](#)

[Cement Concrete & Aggregates Australia](#)

[CitiPower and Powercorp](#)

[City of Casey](#)

[City of Greater Bendigo](#)

[City of Greater Geelong](#)

[City of Melbourne](#)

[City of Port Phillip](#)

[Civil Contractors Federation](#)

[Clarkeology](#)

[Construction Material Processors Association](#)
Department of Primary Industries
Department of Sustainability and Environment
Department of Transport
[Director of Public Prosecutions Victoria](#)
[East Gippsland Shire](#)
[East Gippsland Water](#)
[Frankston City Council](#)
[Gippsland Water](#)
[Glenelg Shire Council](#)
[Goulburn Broken Catchment Management Authority](#)
[Greater Shepparton City Council](#)
[Gunditj Mirring Traditional Owners Aboriginal Corporation](#)
[Heritage Council of Victoria](#)
Heritage Victoria
[Holcim](#)
[Housing Industry Association](#)
[Institute of Public Works Engineering Australia](#)
[International Council on Monuments and Sites](#)
[Jo Bell Heritage Services](#)
[Joint Submission from Registered Aboriginal parties](#)
[Kilter](#)
[Kingston City Council](#)
[Knox City Council](#)
[Law Institute of Victoria](#)
[Lend Lease](#)
[Mallee Catchment Management Authority](#)
[Maurice Schinkel](#)
[Melbourne Water](#)
[Melbourne Water Cover Letter](#)
[Minerals Council of Australia](#)
[Moreland City Council](#)
[Mornington Peninsula Shire](#)
[Municipal Association of Victoria](#)
[Murrindindi Shire Council](#)
[Museum Victoria](#)
[Native Title Services Victoria](#)
[Nindi-Ngujarn Ngarigo Monero Aboriginal Corporation](#)
[Ochre Imprints](#)
[Office of Geographic Names Attachment](#)
Parks Victoria
[Peter Courtney](#)
[Property Council of Australia](#)
[Prospectors and Miners Association Victoria](#)

[SMEC](#)
[South East Water](#)
[South West Victorian Traditional Owners Group](#)
[Surveyors Victoria and Consulting Surveyors Victoria](#)
[Terra Culture](#)
[Towong Shire Council](#)
Urban Development Institute of Australia
VicForests
[Victorian Aboriginal Heritage Council](#)
[Victorian Civil Construction Industry Alliance](#)
[Victorian Civil Construction Industry Alliance Attachment A](#)
[Victorian Local Governance Association](#)
[Victorian Planning and Environmental Law Association](#)
[Victorian Traditional Owner Land Justice Group](#)
[Victorian Traditional Owner Land Justice Group Summary](#)
[Warrnambool City Council](#)
Wathaurong Aboriginal Cooperative
[Wathaurong Aboriginal Corporation](#)
[WestWind](#)
[Wurundjeri Tribe and Compensation Cultural Heritage Council](#)
[Wyndham City](#)
[Yarra Ranges Council](#)

Research and resources

Aboriginal Affairs Victoria 2012a, *Summary report: review of the Aboriginal Heritage Act 2006*, Department of Planning and Community Development, Melbourne, <http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/aboriginal-cultural-heritage/review-of-the-aboriginal-heritage-act-2006>.

—2012b, *Summary of submission and consultation: review of the Aboriginal and Heritage Act 2006*, Department of Planning and Community Development, Melbourne, <http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/aboriginal-cultural-heritage/review-of-the-aboriginal-heritage-act-2006>.

Allen Consulting Group 2007, *Aboriginal heritage regulations 2007: regulatory impact statement*, prepared for Aboriginal Affairs Victoria.

Anderson, B, Frank, H & Land, C 2006, 'Aboriginal Heritage Bill', *Indigenous Law Bulletin* 6(17), <http://www.austlii.edu.au/au/journals/ILB/2006/13.html>.

Atkinson, H 2006, 'Yorta Yorta Nation Aboriginal Corporation's objection to the Cultural Heritage Bill', *Indigenous Law Bulletin* 6(17): n.p.

Bird, G 1996, 'Koori cultural heritage: reclaiming the past' in G Bird, G Martin & J Nielsen (eds), *Majah: Indigenous peoples and the law*, Federation Press, Australia.

Boer, B 1985 'Aboriginal heritage in Victoria', *Environmental Planning Law Journal* 2: 94–7.

Department of Planning and Community Development 2012, *Discussion paper: review of the Aboriginal Heritage Act 2006*, Aboriginal Affairs Victoria Department, Melbourne Victoria, <http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/aboriginal-cultural-heritage/review-of-the-aboriginal-heritage-act-2006>.

Department of Premier and Cabinet 2013, *Review of the Aboriginal Act 2006: Victorian Government response*, Aboriginal Affairs Victoria Department, Melbourne Victoria, <http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/aboriginal-cultural-heritage/review-of-the-aboriginal-heritage-act-2006>.

Economic Development and Infrastructure Committee 2012, 'Inquiry into Greenfields mineral exploration and project development in Victoria', *Parliamentary Paper 136*, Parliament of Victoria, <http://www.parliament.vic.gov.au>.

Environment and Natural Resources Committee 2012, Inquiry into the establishment and effectiveness of registered Aboriginal parties, *Parliamentary Paper No. 191*, Session 2010–2012, Parliament of Victoria, <http://www.parliament.vic.gov.au/enrc/article/1418>.

Guest, K 2009, *The promise of comprehensive native title settlements: the Burrup, MG-Ord and Wimmera agreements*, AIATSIS Research Discussion Papers, no. 27, Native Title Research Unit, AIATSIS, Canberra, pp. 1–53.

Hayes, L 2009, *Indigenous cultural heritage schemes in Victoria, Queensland and the Northern Territory: an overview*, prepared for the South Australia Native Title Resolution Negotiating Parties by the Research Section of the National Native Title Tribunal, Canberra.

Porter, L 2006, 'Rights or containment? The politics of Aboriginal cultural heritage in Victoria', *Australian Geographer* 37(3), Routledge Publishing, pp. 355–74.

Schnierer, E 2010, *Caring for culture: perspectives on the effectiveness of Aboriginal cultural heritage legislation in Victoria, Queensland and South Australia*, prepared for the New South Wales Aboriginal Land Council, Parramatta.

Western Australia (WA)

Legislation

Aboriginal Heritage Act 1972

Aboriginal Heritage (Marandoo) Act 1992

Criminal Code ss 179 and 180, part of Criminal Code Act Compilation Act 1913

Environment Protection Act 1986

Heritage of Western Australia Act 1990

Aboriginal Heritage Regulations 1974

Draft Aboriginal Heritage Amendment Bill 1990

Draft Aboriginal Heritage Amendment Bill 1992

Draft [Aboriginal Heritage Amendment Bill 2014](#)

Legislative reform

Publications and factsheets regarding legislative reform and heritage policy are found at WA Government's Department of Aboriginal Affairs website <http://www.daa.wa.gov.au/en/Heritage-and-Culture/Aboriginal-heritage/Aboriginal-Heritage-Legislative-Changes/>.

In July and August 2014 a number of organisations and individuals provided public comment on the draft Aboriginal Heritage Amendment Bill 2014. At time of writing these were available online at <http://www.daa.wa.gov.au/en/Heritage-and-Culture/Aboriginal-heritage/Aboriginal-Heritage-Legislative-Changes/Submissions-recieved/>.

Submissions were received from:

[Aboriginal Areas Protection Authority](#)
[Adele Millard Consultancy Services](#)
[Amergin Consulting \(Australia\) Pty Ltd](#)
[AMPLA](#)
[Anglican Social Responsibilities Commission](#)
[Anthropos Australis](#)
[APA Group](#)
[Archaeological & Heritage Management Solutions](#)
[Australia ICOMOS](#)
[Australian Archaeological Association Inc.](#)
[Australian Association of Consulting Archeologists Inc.](#)
[Ben Wyatt MLA](#)
[Central Desert Native Title Services](#)
[Chalk & Fitzgerald Lawyers & Consultants](#)
[Dortch and Cuthbert](#)
[Dr Thor Kerr; Dr Shaphan Cox; Dr Robert Briggs from Curtin University](#)
[Earth Creations - Environmental Art Research and Training](#)
[Friends of Australian Rock Art](#)
[Gavin Jackson Cultural Resource Management](#)
[Goldfields Land and Sea Council](#)
[Goolarabooloo Millibinyarri Indigenous Corporation](#)
[Horizon Power](#)
[Iron Ore Holdings Ltd](#)
[Karlka Nyiyaparli Aboriginal Corporation](#)
[Katanning LCDC](#)
[Kimberley Land Council](#)
[KRED Enterprises Pty Ltd](#)
[Kulyamba Aboriginal Corporation](#)
[Kuruma Marthudunera Aboriginal Corporation](#)
[Mr Iain Davidson](#)

[Mr Iva Hayward-Jackson](#)
[Mr Justin Larsen](#)
[Mr Nicholas Herriman](#)
[Mr Paddy Cullen](#)
[Mr Paul Watson](#)
[Mr Stephen Walker](#)
[Ms Betty Logan JP and other signees](#)
[Ms Dianne Stevens](#)
[Ms Elizabeth Vaughan](#)
[Ms Melinda Wilson](#)
[Ms Roberta Circosta](#)
[Ms Sandra Kelly](#)
[Ms Sharon Davies](#)
[Ms Talila Milroy](#)
[National Native Title Council](#)
[National Trust of Australia \(WA\)](#)
[Ngarluma Aboriginal Corporation](#)
[Pilbara Ports Authority](#)
[Polygon Archaeology Heritage Services](#)
[Rhoads Bird & Associates](#)
[Rio Tinto](#)
[Shire of Broome](#)
[SJC Heritage Consultants](#)
[South West Aboriginal Land and Sea Council](#)
[Stevens Heritage Services](#)
[Swan River People \(Mr Albert Corunna; Kathy Penny; Richard Wilkes; Greg Garlett; Bella Bropho\)](#)
[Swan Valley Nyungah Community Aboriginal Corporation](#)
[Terra Rosa Cultural Resource Management](#)
[The Anthropological Society of Western Australia](#)
[The Association of Mining and Exploration Companies](#)
[The Chamber of Minerals and Energy of Western Australia](#)
[The City of Swan](#)
[The Hon Robin Chapple MLC](#)
[The Kimberley Aboriginal Law and Culture Centre](#)
[The Law Society of Western Australia](#)
[The Marra Worra Worra Aboriginal Corporation](#)
[The Mullewa Wadjari People](#)
[The Wintawari Guruma Aboriginal Corporation](#)
[The Yaburara and Coastal Mardudhunera Aboriginal Corporation](#)
[WALGA](#)

[Western Desert Lands Aboriginal Corporation](#)
[Yamatji Marlpa Aboriginal Corporation](#)
[Yawuru Native Title Holders Aboriginal Corporation](#)

Research and resources

- Barnsby, M 2013, *The effectiveness of the Aboriginal Heritage Act 1972*, Murdoch University with the Parliament of Western Australia, Perth, Australia.
- Bauman, T & Spier, H 2013, 'The Djabugay native title story: getting back in town', in T Bauman, L Strelein & J Weir (eds), *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra, pp. 111–46.
- Bennetts, S 2007, 'Environment: the Burrup gets burked', *New Matilda*, 14 March (revised version published in Australian Anthropological Society Newsletter 106, June 2007), pp. 1–3, <http://www.dampierrockart.net/Studies.html>.
- Bennetts, S, Milroy, D, Churnside R & Walker S 2008, "'Dirty deeds done dirt cheap": the assault on Aboriginal cultural heritage in Western Australia', *National Native Title Conference*, Perth, <http://www.aiatsis.gov.au/ntru/nativetitleconference/conf2008/ntc08papers/BennettsSDirtyDeeds.pdf>.
- Chaloner, T 2004, *Aboriginal Heritage Act 1972: a clash of two cultures; a conflict between two laws*, report of a parliamentary internship with the Hon. Robin Chapple MLC and Murdoch University, http://dampierrockart.net/Chaloner_AHAreport_final.pdf.
- Chamber of Minerals and Energy of Western Australia 2013, *Native title and Aboriginal heritage policy*, Chamber of Minerals and Energy of Western Australia, Perth, pp. 1–3.
- Churches, S 1992, 'Aboriginal heritage in the wild west: Robert Bropho and the Swan brewery site', *Aboriginal Law Bulletin* 2(56): 67.
- Department of Indigenous Affairs 2012, *Review of the Aboriginal Heritage Act 1972, Discussion paper: seven proposals to regulate and amend the Aboriginal Heritage Act 1972 for improved clarity, compliance, effectiveness, efficiency and certainty*, Western Australia Government.
- Dillon, M 1983, 'A terrible hiding: Western Australia's Aboriginal heritage policy', *Australian Journal of Public Administration* 42: 486–502.
- Edmunds, M & Reynolds, S 2013, 'The living heritage of Murujuga (Burrup Peninsula) and the Dampier Archipelago', seminar in the series Culture in Crisis? The Protection and Trade of Indigenous Heritage in the 21st Century, AIATSIS, Canberra, 21 October, <http://www.aiatsis.gov.au/research/seminarseries/SeminarSeries2013-2.html>.

- Environment Protection Authority Western Australia 2004, *Guidance for the assessment of environmental factors: assessment of Aboriginal heritage*, Western Australia, http://www.epa.wa.gov.au/EPADocLib/1026_GS41.pdf.
- Flanagan, F nd, 'The Burrup agreement: a case study in future act negotiation', Yamatji Marlpa Bana Baaba Maaja Aboriginal Corporation, Perth, <http://www.atns.net.au/papers/Flanagan%20Paper.pdf>.
- Four Corners 2000, 'Secret white men's business', ABC, 20 March.
- 2011, 'Iron and dust', ABC, 18 July.
- Graber, CB 2009, 'Aboriginal self-determination vs propertisation of traditional culture: the case of sacred Wanjina sites', *Australian Indigenous Law Reporter* 13(2): 18.
- Guest, K 2009, *The promise of comprehensive native title settlements: the Burrup, MG-Ord and Wimmera agreements*, AIATSIS Research Discussion Papers, no. 27, Native Title Research Unit, AIATSIS, Canberra, pp. 1–53.
- Herriman, N 2013, 'Western Australia's Aboriginal heritage regime: critiques of culture, ethnography, procedure and political economy', *Australian Aboriginal Studies* 1: 85–100.
- Hopkins, A 1997, 'Heritage legislation in Western Australia' in, *A guide to environmental law in Western Australia*, Environmental Defender's Office, Western Australia.
- Irving, G 2000, 'The Kimberley Region native title heritage protection Memorandum of Understanding (MOU) and the native title and heritage protection model agreement', in Keon-Cohan (ed.), *Native title in the new millennium: a selection of papers from the Native Title Representative Bodies Legal Conference*, pp. 163–7.
- Janke, T 1998, *Our culture, our future: report on Australian Indigenous cultural and intellectual property and customary law*, Law Reform Commission, Western Australia.
- Janke, T & Quiggin, R 2005, 'Law Reform', *Background paper (No 12) on Indigenous cultural and intellectual property and customary law*, Law Reform Commission, Western Australia.
- Kwaymullina, B, Kwaymullina, A & Morgan, S 2012, 'Reform and resistance: an Indigenous perspective on proposed changes to the *Aboriginal Heritage Act 1972 (WA)*', *Indigenous Law Bulletin* 8(1): 7–11.
- Moore, P 1999, 'Anthropological practice and Aboriginal heritage: a case study from WA' in Toussaint, S & Taylor, J (eds), *Applied anthropology in Australasia*, UWA Nedlands, pp. 229–54, <http://www.dampierrockart.net/Studies.html>.
- Morgan S, Kwaymullina, A & Kwaymullina, B 2006, 'Bulldozing Stonehenge: fighting for cultural heritage in the wild, wild west' *Indigenous Law Bulletin* 6(20): 6–8.

- Muir, K 2008, 'Aboriginal heritage industry: ka-boom or busted?', paper presented to the Joint Annual Conference of the ASA, ASAANA and AAS, 8–12 December, University of Auckland.
- Ritter, D 2003, 'Trashing heritage: dilemmas of right and power in the operation of Western Australia's Aboriginal heritage legislation', *Studies in Western Australian History* 23: 195–208.
- Ritter, D 2006, 'Many bottles for many flies: managing conflict over Indigenous people's cultural heritage in Western Australia', *Public History Review* 13: 125–42.
- Rumsey, A 1996, 'Aspects of native title and social identity in the Kimberleys and beyond', in J Finlayson & A Jackson-Nakano (eds), *Heritage and native title: anthropological and legal perspectives*, Native Title Research Unit, AIATSIS, Canberra, pp. 164–5.
- Saylor, D 1995, 'Aboriginal cultural heritage protection WA: the urgent need for protection', *Aboriginal Law Bulletin* 3(76), n.p.
- Strelein, L 1993, 'Indigenous people and protected landscapes in Western Australia', *Environmental Planning and Law Journal* 10(6): 380.
- Sullivan, P & Hughes, J 2013, 'The Ord River stage 2 agreement and Miriwung Gajerrong native title corporations', in Toni Bauman, L Strelein & J Weir (eds), *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra, pp. 181–216.
- Taylor, J, Doran, B, Parriman, M & Yu, E 2014, 'Statistics for community governance: the Yawuru Indigenous population survey, Western Australia', *International Indigenous Policy Journal: The Governance of Indigenous Information* 5(2):5.
- Thomson, JR 2012, 'The western tension zone: archaeological significance assessments of Indigenous sites in Western Australia', thesis submitted to School of Built Environment in partial completion of Masters of Applied Cultural Heritage, Curtin University, Western Australia.
- Trigger, D & Robinson, M 2001, 'Mining, land claims and negotiations of Indigenous interests: research from the Queensland Gulf country and Pilbara region of Western Australia', *Senri Ethnological Studies* 59: 101–16.
- Western Australian Government Department of the Premier and Cabinet 2012, *Guide to the government Indigenous land use agreement and standard heritage agreements*, Native Title Unit, Department of the Premier and Cabinet.
- Weir, J & Stacey, C 2013, 'Karajarri: native title and governance in the West Kimberley', in T Bauman, L Strelein & J Weir (eds), *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra, pp. 147–80, <http://www.nativetitle.org.au/research.html>.

Wyatt, B 1993, 'Past and present disputes regarding resource development and sacred sites in Western Australia', in R M Bartlett (ed.), *Resource development and Aboriginal land rights*, Centre for Commercial Resource Law, University of Western Australia and Murdoch University, Perth.

Veth, P 2013, 'Representations of Kimberley rock art: bringing the history home', seminar in the series Culture in Crisis? The Protection and Trade of Indigenous Heritage in the 21st Century, AIATSIS, Canberra, 4 November 2013, <http://www.aiatsis.gov.au/research/seminarseries/SeminarSeries2013-2.html>.

Yindjibarndi Aboriginal Corporation 2011, 'The great FMG native title swindle', http://www.youtube.com/all_comments?v=6w_fB7e0WCY.

Indigenous cultural heritage management best practice

Australian Heritage Commission 2002, *Ask first: a guide to respecting Indigenous heritage places and values*, Indigenous Heritage Section, Australian Heritage Commission, Canberra.

Australian Institute of Aboriginal and Torres Strait Islander Studies 2000, *Guideline for Ethical Research in Australian Indigenous Studies* (GERAIS), AIATSIS, Canberra, <http://www.aiatsis.gov.au/files/research/GERAIS.pdf>.

Aplin, G 2002, *Heritage: identification, conversation and management*, Oxford University Press.

Bessant, J & Watkinson, A 2006, 'Principles for developing Indigenous policy-making', *Australian Journal of Public Administration* 65(1): 100–12.

Bradshaw, E et al. 2011, *Why cultural heritage matters*, Rio Tinto, <https://www.csr.uq.edu.au/publications/why-cultural-heritage-matters>.

Coates, I, Klaver, J & Ward, GK 1995, *Illustrating the guidelines for management of Indigenous heritage places*, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra.

Harvard Project on American Indian Economic Development, website, <http://hpaied.org/>.

ICOMOS Australia 1998, *Guidelines to the Burra charter: cultural significance*, <http://australia.icomos.org/publications/charters/>.

—2013, *The Burra Charter: the Australian ICOMOS charter for the conservation of places of cultural significance*. Australia ICOMOS Incorporated, <http://australia.icomos.org/publications/charters/>.

—2013, *The Burra charter and archaeological practice*, practice note, <http://australia.icomos.org/publications/charters/>.

International Council on Mining and Metals 2010, *Indigenous people and mining*, ICMM, <https://www.csr.uq.edu.au/publications/indigenous-peoples-and-mining>.

Resource extraction, future acts and agreement making

- Altman, J 2009a, 'Contests over development', in J Altman & D Martin (eds), *Power, culture, economy: Indigenous Australians and mining*, CAEPR Research Monographs, no. 30, Australian National University, Canberra, pp.1–16, http://press.anu.edu.au/wp-content/uploads/2011/05/whole_book44.pdf.
- 2009b, 'Indigenous communities, miners and the state in Australia', in J Altman & D Martin (eds), *Power, culture, economy: Indigenous Australians and mining*, CAEPR Research Monographs, no. 30, Australian National University, Canberra, pp.17–50, http://press.anu.edu.au/wp-content/uploads/2011/05/whole_book44.pdf.
- 2012, 'Indigenous rights, mining corporations and the Australian state', in T Gomez & S Sawyer (eds), *The politics of resource extraction: Indigenous peoples, multinational corporations, multilateral institutions and the state*, Palgrave Macmillan, London, pp. 46–74.
- Altman, J & Peterson, N 1984, 'A case for retaining Aboriginal mining veto and royalty rights in the Northern Territory', *Australian Aboriginal Studies* 2: 44–53.
- Altman, J & Martin, D (eds) 2009, *Power, culture, economy: Indigenous Australians and mining*, CAEPR Research Monographs, no. 30, Australian National University, Canberra, 2009, http://press.anu.edu.au/wp-content/uploads/2011/05/whole_book44.pdf.
- Ballard, C & Banks, G 2003, 'Resource wars: the anthropology of mining', *Annual Review of Anthropology* 32: 287–313.
- Bartlett, RH (ed.) 1993, *Resource development and Aboriginal land rights in Australia*, Centre for Commercial and Resources Law, University of Western Australia.
- Bogan, R & Hicks, S 2006, *Lessons learned: an evaluation of the framework of the negotiations for the Ord final agreement 2006*, Office of Native Title, Perth.
- De Rijke, K 2012, 'The symbolic politics of belonging and community in peri-urban environmental disputes: the Traveston Crossing Dam in Queensland, Australia', *Oceania* 82(3): 278–93.
- Donna, C 2000, Native title and environmental planning: Indigenous land use agreements, *Environmental and Planning Law Journal* 17(5): 440.
- Doohan, K, 2013, 'Transformative practices: imagining and enacting relationships in the context of resource development, the Argyle case', *Asia Pacific Viewpoint* 54(2): 218–31.
- Economic Development an Infrastructure Committee 2012, 'Inquiry into Greenfields mineral exploration and project development in Victoria', *Parliamentary Paper 136*, Parliament of Victoria, <http://www.parliament.vic.gov.au>.

- Elias, C 2007, 'The measures of dreams', in J Weiner & K Glaskin (eds), *Customary land tenure and registration in Australia and Papua New Guinea*, ANU E Press, Canberra, pp.223 –246, http://press.anu.edu.au/titles/asia-pacific-environment-monographs/customary_citation/.
- Ellis, B 2003, Integration of natural resources management under Queensland mining legislation, *Environmental and Planning Law Journal* 20(1): 66.
- Everingham, J, Barnes, R & Brereton, D 2013, *Gulf communities agreement 2008–2013, 15-year review*, CSRM, University of Queensland, Brisbane, https://www.csrn.uq.edu.au/MMG_Century_15_year_GCA_Review_FINAL.pdf.
- Everingham, J, Brereton, D, Arbelaez-Ruiz, D, Barnes, R, Collins, N, Weldegiorgis, F, Rogers, P & Oñate Santibáñez, B 2013, *Social aspects of the closure of Century Mine: combined report*, CSRM, Brisbane, <https://www.csrn.uq.edu.au/publications/social-aspects-of-the-closure-of-century-mine-combined-report>.
- Finlayson, J 1997, *Indigenous heritage protection, native title and regional agreements: the changing environment*, Centre for Aboriginal Economic Policy Research, Australian National University, Canberra.
- Firth, N 2005, 'Prosecution for damage to an Aboriginal site', *Indigenous Law Bulletin* 6(15), <http://www.austlii.edu.au>.
- Franks, D, Brereton, D, Moran, C, Sarker, T & Cohen, T 2010, *Cumulative impacts: a good practice guide for the Australian coal mining industry*, Centre for Social Responsibility in Mining & Centre for Water in the Minerals Industry, as part of the Australian Coal Association Research Program, University of Queensland, Brisbane, pp. 1–60.
- Guest, K 2009, *The promise of comprehensive native title settlements: the Burrup, MG-Ord and Wimmera agreements*, AIATSIS Research Discussion Papers, no. 27, Native Title Research Unit, AIATSIS, Canberra.
- Hamilton, C 1996, *Mining in Kakadu: lessons from Coronation Hill*, discussion paper no. 9, Australia Institute, Canberra.
- Harvey, B 2011, *Communities standard*, prepared for Rio Tinto, London & Melbourne, pp. 1–17, http://www.riotinto.com/documents/ReportsPublications/Communities_standard.pdf.
- Hill, R 2006, 'The effectiveness of agreements and protocols to bridge between Indigenous and non-Indigenous toolboxes for protected area management: a case study from the wet tropics of Queensland', *Society & Natural Resources*, 19(7): 577–90.
- Holcombe, S 2009, 'Indigenous entrepreneurialism and mining land use agreements', in J Altman & D Martin (eds), *Power, culture, economy: Indigenous Australians and mining*, CAEPR Research Monographs, no. 30, Australian National University, Canberra, pp.149–70, http://press.anu.edu.au/wp-content/uploads/2011/05/whole_book44.pdf.

- Howitt, R, Lunkapis, G, Suchet-Pearson, S & Miller, F 2013, 'New geographies of co-existence: reconsidering cultural interfaces in resource and environmental governance', *Asia Pacific Viewpoint* 54(2): 123–5.
- Lane, M & Yarrow, D 1998, Development on native title land – integrating the right to negotiate with the impact assessment process, *Environmental Planning and Law Journal* 15(2):147.
- Langton, M 2012, *The quiet revolution: Indigenous people and the resources boom*, Boyer Lectures 2012, Harper Publishers Australia Pty Limited, Australia.
- Langton, M & Mazel, O 2012, 'The resource curse compared: Australian Aboriginal participation in the resource extraction industry and distribution of impacts', in M Langton & J Longbottom (eds), *Community futures, legal architecture: foundations for Indigenous peoples in the global mining boom*, Routledge, Oxon.
- Langton, M, Mazel, O, Palmer, L, Shain, K & Tehan, M (eds) 2006, *Settling with Indigenous people: modern treaty and agreement making*, The Federation Press, Sydney.
- Lawrence, C 2012, 'Development at any price? The case of Australia's Indigenous heritage', 2012 John West Memorial Lecture, 9 March, <http://launcestonhistory.org.au/wp-content/uploads/2012/03/CarmenLawrence2012.pdf>.
- Levitus, R 2007, 'Laws and strategies: the contest to protect Aboriginal interests at Coronation Hill', in J Weiner & K Glaskin (eds), *Customary land tenure and registration in Australia and Papua New Guinea*, ANU E Press, Canberra, pp. 247–72, http://press.anu.edu.au/titles/asia-pacific-environment-monographs/customary_citation/.
- Limerick, M, Tomlinson, K, Taufatofua, R, Barnes, R & Brereton, D 2012, *Agreement-making with Indigenous groups: oil and gas development in Australia*, Brisbane CSRM, University of Queensland, <https://www.csr.uq.edu.au/publications/agreement-making-with-indigenous-groups>.
- Marsh, JK 2013 'Decolonising the interface between Indigenous peoples and mining companies in Australia: making space for cultural heritage sites', *Asia Pacific Viewpoint* (54)2:171–84.
- Martin, D 2009, 'The governance of agreements between Aboriginal people and resource developers: principles for sustainability', in J Altman & D Martin (eds), *Power, culture, economy: Indigenous Australians and mining*, CAEPR Research Monographs, no. 30, Australian National University, Canberra, pp. 99–126, http://press.anu.edu.au/wp-content/uploads/2011/05/whole_book44.pdf.
- McWilliam, A 1998, 'Negotiating desecration: sacred sites damage and due compensation in the Northern Territory', *Australian Aboriginal Studies* 1: 2–10, <http://search.informit.com.au/documentSummary;dn=148525969913988;res=IELIND>
- O'Faircheallaigh, C 1996, 'Negotiating with resources companies: issues and constraints for Aboriginal communities in Australia', in R Howitt (ed.), *Resources, nations and Indigenous peoples*, Oxford University Press, London, pp. 184–201.

- 2007, 'Unreasonable and extraordinary constraints: native title, markets and the real economy', *Australian Indigenous Law Review* 11(3): 18–42.
- 2008, 'Negotiating cultural heritage? Aboriginal mining company agreements in Australia', *Development and Change* 39(1): 25–51.
- 2013a, 'Cultural values, cultural heritage and agreement making in the mining and energy industries', seminar in the series Culture in Crisis? The Protection and Trade of Indigenous Heritage in the 21st Century, AIATSIS, Canberra, 9 September, <http://www.aiatsis.gov.au/research/seminarseries/SeminarSeries2013-2.html>.
- 2013b, 'Registered native title bodies corporate and mining agreements: capacities and structures', in T Bauman, L Strelein & J Weir (eds), *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra, pp. 275–92.
- Productivity Commission 2013, *Mineral and energy resource exploration, Inquiry Report No. 65*, Canberra, <http://www.pc.gov.au/projects/inquiry/resource-exploration/report>.
- Ritter, D 2009, *The native title market*, University of Western Australia Press, Western Australia.
- Robinson, C 2001, 'Working towards regional agreements: recent developments in cooperative resource management in Canada's British Columbia', *Australian Geographical Studies* 39(2): 183–97.
- Rose, DB 2001, 'Sacred site, ancestral clearing and environmental ethics', in A Rumsey & J Weiner (eds), *Emplaced myth: space, narrative and knowledge in Aboriginal Australia and Papua New Guinea*, Sean Kingston Publishing, n.p.
- Ruddock, K 2009, 'Bankruptcy — the price for seeking to protect Indigenous rights?', editorial commentary, *Environmental and Planning Law Journal* 26(2): 81.
- Scambary, B 2009, 'Mining agreements, development, aspirations and livelihoods', in J Altman & D Martin (eds), *Power, culture, economy: Indigenous Australians and mining*, CAEPR Research Monographs, no. 30, Australian National University, Canberra, pp.171–202, http://press.anu.edu.au/wp-content/uploads/2011/05/whole_book44.pdf.
- 2013, *My country, mine country: Indigenous people, mining and development contestation in remote Australia*, CAEPR Research Monographs, no. 33, Centre for Aboriginal Economic Policy Research, ANU E-Press, Canberra, <http://press.anu.edu.au/titles/centre-for-aboriginal-economic-policy-research-caepr/my-country-mine-country/>.
- Sneddon, A 2012, 'Aboriginal objections to development and mining activities on the grounds of adverse impacts to sites of spiritual significance: Australian judicial and quasi-judicial responses', *Environmental and Planning Law Journal* 29: 217–38.

- Smith, DE & Finlayson, J 1997, *Fighting over country: anthropological perspectives*, CAEPR Research Monographs, no. 12, Australian National University, Canberra, http://caepr.anu.edu.au/sites/default/files/Publications/mono/CAEPR_Mono12.pdf.
- Storey, M 2003, 'From red-neck to green-black: mineral exploration and native title in the Northern Territory', *Environmental and Planning Law Journal* 20(4): 275.
- Sullivan, P & Hughes, J 2013, 'The Ord River stage 2 agreement and Miriwung Gajerrong native title corporations', in T Bauman, L Strelein & J Weir (eds), *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra, pp. 181–216.
- Taylor, J 2009, 'Data mining: Indigenous peoples, applied demography and the state', in J Altman & D Martin (eds), *Power, culture, economy: Indigenous Australians and mining*, CAEPR Monograph No. 30, Australian National University, Canberra, pp.51–72.
- Tehan, M 1997, 'Indigenous peoples, access to land and negotiated agreements: experiences and post-Mabo possibilities for environmental management', *Environmental Planning and Law Journal* 14(2): 114.
- Trigger, D, Keenan, J, de Rijke, K & Rifkin, K in press, 'Aboriginal engagement and agreement-making with a rapidly developing resource industry: coal seam gas development in Australia', *Extractive Industries and Society*, <http://dx.doi.org/10.1016/j.exis.2014.08.001>.
- Trigger, D & Robinson, M 2001, 'Mining, land claims and negotiations of Indigenous interests: research from the Queensland Gulf Country and Pilbara region of Western Australia', *Senri Ethnological Studies* 59: 101–16.
- Venn, T 2006, 'Accommodating Indigenous cultural heritage values in resource assessment: Cape York Peninsula and the Murray–Darling Basin, Australia', *Ecological Economics* 61: 334–44.
- Vincent, E 2013, 'Sticking up for the land: Aboriginality, mining and the lived effects of native title', *Australian Journal of Human Rights* 19(1): 155–74.
- Wyatt, B 1993, 'Past and present disputes regarding resource development and sacred sites in Western Australia' in RM Bartlett (ed.), *Resource development and Aboriginal land rights*, Centre for Commercial Resource Law, University of Western Australia and Murdoch University, Perth.

Assessment of cumulative impacts

- Alan, E 2010, 'Cumulative cultural effects and reasonably foreseeable future developments in the Upper Thelon Basin, Canada', *Impact Assessment and Project Appraisal* 28(4): 279–86.
- Bridge, G 2004 'Contested terrain: mining and the environment', *Annual Review of Environment and Resources* 29: 205–59.

- Bond, C, Everingham, J & Franks, DM 2013, *Managing the cumulative impacts of mining through collaboration: the Moranbah Cumulative Impacts Group (MCIG)*, University of Queensland & Centre for Social Responsibility in Mining, Australia, pp. 1–21.
- Brown, O 2011, 'Back to basics: significance assessment at the heart of it all' (commentary), *Australian Archaeology* 73: 92.
- Dales, JT 2011, 'Death by a thousand cuts: incorporating cumulative effects in Australia's Environment Protection and Biodiversity Conservation Act', *Pacific Rim Law & Policy Journal* 20(1): 149–78.
- Franks, D, Brereton, D & Moran, CJ 2009, 'Surrounded by change — collective strategies for managing the cumulative impacts of multiple mines', presentation to SDIMI 2009 (Sustainable Development Indicators in the Mining Industry 2009 Conference), Gold Coast, Queensland, 6–8 July, pp. 351–5.
- 2010, 'Managing the cumulative impacts of coal mining on regional communities and environments in Australia', *Impact Assessment and Project Appraisal* 28(4): 299–312.
- 2013, 'The cumulative dimensions of impact in resource regions', *Resources Policy* 38: 640–7.
- Franks, D, Brereton, D, Moran, CJ, Sarker, T & Cohen, T 2010, *Cumulative impacts: a good practice guide for the Australian coal mining industry*, Centre for Social Responsibility in Mining & Centre for Water in the Minerals Industry, University of Queensland, as part of the Australian Coal Association Research Program, Brisbane, pp. 1–60.
- Franks, D, Everingham, J & Brereton, D 2012, *Governance strategies to manage and monitor cumulative impacts at the local and regional level*, ACARP Project C19025, Centre for Social Responsibility in Mining & the University of Queensland, Australia,
- Godwin, L 2011, 'The application of assessment of cumulative impacts in cultural heritage management: a critique', *Australian Archaeology* 73: 88–97.
- Ridges, M 2011, 'Cultural heritage is special, but not unique' (commentary), *Australian Archaeology* 73: 92–3.
- Rowland, M 2011, 'A case for mandatory reporting' (commentary), *Australian Archaeology* 73: 93–4.
- Rowland, M & Ulm, S 2012, 'Key issues in the conservation of the Australian coastal archaeological record: natural and human impacts', *Coastal Conservation* 16: 159–71.
- Sneddon, A 2011, 'Assessing "assessment of cumulative impact" processes: avoiding the uncritical application of principles borrowed from the natural sciences in cultural heritage management' (commentary), *Australian Archaeology* 73: 94–5.

Thomson, JR 2012, 'The western tension zone: archaeological significance assessments of Indigenous sites in Western Australia', thesis submitted to School of Built Environment in partial completion of Masters of Applied Cultural Heritage, Curtin University, pp. 1–268.

Veth, P 2011, 'How well do you know your back garden?' (commentary), *Australian Archaeology* 73: 95–96.

Governance

Australian Institute of Aboriginal & Torres Strait Islander Studies (AIATSIS) 2007a, *Organising for success: policy report: successful strategies in Indigenous governance*, AIATSIS and the Australian Collaboration, Canberra, <http://www.aiatsis.gov.au/research/success.html>.

—2007b, 'Maps to success: successful strategies in Indigenous organisations', Handbook Prepared for the Australian Collaboration, Canberra, <http://www.aiatsis.gov.au/research/success.html>.

—2013, International joint management bibliography, Native Title Research Unit, AIATSIS Canberra, <http://www.aiatsis.gov.au/files/ntru/240713%20Combined%20joint%20managemen%20bibliography.pdf>.

Barcham, M & Merlan, F 2013, 'Working with Indigenous and western corporate structures: the central Arrernte case', in T Bauman, L Strelein & J Weir (eds), *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra, pp. 253–74.

Bauman, T, Strelein, LM & Weir, JK (eds) 2013, *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra, <http://www.nativetitle.org.au/research.html>.

Bauman, T, Strelein, LM & Weir, JK 2013, 'Navigating complexity: living with native title', in T Bauman, L Strelein & J Weir (eds), *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra, pp. 1–26.

Bauman, T & Spier, H 2013, 'The Djabugay native title story: getting back in town', in T Bauman, L Strelein & J Weir (eds), *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra, pp. 111–46.

Behrendt, L 2002, 'Responsibility in governance: implied rights, fiduciary obligation and Indigenous peoples', *Australian Journal of Public Administration* 61(2): 106–18.

- Deloitte Access Economics 2014, *Final report of the review of the roles and functions of native title organisations*, Department of the Prime Minister and Cabinet, Canberra, <http://www.deloitteaccesseconomics.com.au/uploads/File/DAE%20Review%20of%20Native%20Title%20Organisations%20-%20Final%20Report.pdf>.
- Dillo, MC & Westbury, ND 2007, *Beyond humbug: transforming government engagement with Indigenous Australia*, Seaview Press, West Lakes, South Australia.
- Dwyer, G & Taylor, M 2013, 'Moving from consideration to application: the uptake of principles of ecologically sustainable development in environmental decision-making in New South Wales', *Environmental and Planning Law Journal* 30(3): 185–219.
- Holmes, M & Smith, D 2013, 'Aboriginal peak organisations of the Northern Territory: strong Aboriginal governance report, May 2013', *Strong Aboriginal Governance Summit 2013*, prepared for Aboriginal Peak Organisation of the NT, http://www.clc.org.au/files/pdf/APONT_Governance_Summit_2013_report.pdf.
- Kowal, E 2013 "Indigenous DNA": biology as cultural heritage?', seminar in the series Culture in Crisis? The Protection and Trade of Indigenous Heritage in the 21st Century, AIATSIS, Canberra, 11 November, <http://www.aiatsis.gov.au/research/seminarseries/SeminarSeries2013-2.html>.
- Martin, D 2005, 'Governance, cultural appropriateness and accountability within the context of Indigenous self-determination', in D Austin-Broos & G Macdonald (eds), *Culture, economy and governance in Aboriginal Australia*, proceedings of a workshop of the Academy of the Social Sciences in Australia held at the University of Sydney, 30 November – 1 December 2004, Sydney University Press, Sydney.
- McGrath, P, Stacey, C & Wiseman, L 2013, 'An overview of the registered native title bodies corporate regime', in T Bauman, L Strelein & J Weir (eds), *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra, pp. 27–64.
- Ritter, DL 2013, 'Green and black revisited: understanding the relationship between Indigenous and environmental political formations', seminar in the series Culture in Crisis? The Protection and Trade of Indigenous Heritage in the 21st Century, AIATSIS, Canberra, 14 October, <http://www.aiatsis.gov.au/research/seminarseries/SeminarSeries2013-2.html>.
- Robinson, C & Lane, M 2013, 'Boundary-riding: Indigenous knowledge contributions for natural resource decision making in Northern Australian regions', in R Walker, T Jojola & D Natcher (eds), *Reclaiming Indigenous planning*, McGill-Queens University Press, Canada, n.p.
- Starr, F 2013, *Corporate responsibility for cultural heritage: conservation, sustainable development, and corporate reputation*, Routledge Publishing, New York.

- Strelein, L 2013, 'Native title bodies in the Torres Strait: finding a place in the governance of a region', in T Bauman, L Strelein & J Weir (eds), *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra, pp. 65–110, <http://www.nativetitle.org.au/research.html>.
- Weir, J 2007, *Native title and governance: the emerging corporate sector prescribed for native title holders*, Land, Rights, Laws: Issues of Native Title 3(9), Native Title Research Unit, AIATSIS, Canberra.
- Weir, J & Stacey, C 2013, 'Karajarri: native title and governance in the West Kimberley', in T Bauman, L Strelein & J Weir (eds), *Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra, pp. 147–80, <http://www.nativetitle.org.au/research.html>.
- Wickman Juparulla, S 2013, 'How Indigenous cultural heritage is being managed in Australia: a reflection through the eyes of an Aboriginal archaeologist, artist and man of Lore', seminar in the series Culture in Crisis? The Protection and Trade of Indigenous Heritage in the 21st Century, AIATSIS, Canberra, 28 October, <http://www.aiatsis.gov.au/research/seminarseries/SeminarSeries2013-2.html>.

Information and knowledge management

- Antons, C 2012, 'Intellectual property rights in indigenous cultural heritage: basic concepts and continuing controversies', in C Graber, K Kuprecht & J Laqi (eds), *International trade in indigenous cultural heritage: legacy and policy issues*, Edward Elgar Publishing Limited, Cheltenham, pp. 144–74.
- Bowrey, K 2012, 'International trade in indigenous cultural heritage: an Australian perspective', in C Graber, K Kuprecht & J Laqi (eds), *International trade in indigenous cultural heritage: legacy and policy issues*, Edward Elgar Publishing Limited, Cheltenham, pp. 396–438.
- Coombe, RJ & Turcotte, JF 2012, 'Indigenous cultural heritage in development and trade: perspectives from the dynamics of cultural heritage law and policy', in C Graber, K Kuprecht & J Laqi (eds), *International trade in indigenous cultural heritage: legacy and policy issues*, Edward Elgar Publishing Limited, Cheltenham, pp. 272–305.
- Ens, EJ, Finlayson, M, Preuss, K, Jackson, S & Holcombe, S 2012, 'Australian approaches for managing country using Indigenous and non-Indigenous knowledge', *Ecological Management and Restoration* 13(1): 100–7.
- Glowczewski, B 2013, 'Ethics of anthropological archives: academic heritage and Indigenous priorities', seminar in the series Culture in Crisis? The Protection and Trade of Indigenous Heritage in the 21st Century, <http://www.aiatsis.gov.au/research/seminarseries/SeminarSeries2013-2.html>.

- Hill, R, Cullen-Unsworth, L, Talbot, L & McIntyre-Tamworthy, S 2011, 'Empowering Indigenous peoples' biocultural diversity through world heritage cultural landscapes: a case study from the Australian humid tropical forests', *International Journal of Heritage Studies* (special issue: Conserving Biocultural Diversity on a Landscape Scale — The Roles of Local, National and International Designations) 17(6): 571–91.
- Holcombe, S 2009, *Indigenous ecological knowledge and natural resources in the Northern Territory: guidelines for Indigenous ecological knowledge management (including archiving and repatriation)*, ANU College of Law Research Paper No. 10–26, a report commissioned by the Natural Resources Management Board of the Northern Territory.
- Neale, M 2013, 'If it's mine can I take it back please?', seminar in the series Culture in Crisis? The Protection and Trade of Indigenous Heritage in the 21st Century, AIATSIS, Canberra, 2 September, <http://www.aiatsis.gov.au/research/seminarseries/SeminarSeries2013-2.html>.
- Rose, DB 1994, 'Whose confidentiality? Whose intellectual property?', in M Edmunds (ed.), *Claims to knowledge, claims to country: native title, native title claims and the role of the anthropologists*, summary of workshop proceedings, Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), 28–30 September.
- Rose, DB 1996, 'The public, the private and the secret across cultural differences', in J Finlayson & A Jackson-Nakano (eds), *Heritage and native title: anthropological and legal perspectives*, Native Title Research Unit, AIATSIS, Canberra, n.p.
- Shaw, W 2007, 'Fixed traditions and locked-up heritages: misrepresenting Indigeneity', in R Jones & B Shaw (eds), *Geographies of Australian heritage: loving a sunburnt country*, Ashgate Publishing, Aldershot, n.p.
- Taylor, J 2009, 'Data mining: Indigenous peoples, applied demography and the state', in J Altman & D Martin (eds), *Power, culture, economy: Indigenous Australians and mining*, CAEPR Research Monographs, no. 30, Australian National University, Canberra, pp.51–72.
- Taylor, J, Doran, B, Parriman M & Yu, E 2014, 'Statistics for community governance: the Yawuru Indigenous population survey, Western Australia', in *International Indigenous Policy Journal: The Governance of Indigenous Information* 5(2): 5.
- Willheim, E 2011, 'Australian legal procedures and the protection of secret Aboriginal spiritual beliefs: a fundamental conflict', in P Cane, C Evans & Z Robinson (eds), *Law and religion in theoretical and historical context*, Cambridge University Press, Cambridge, pp. 214–42.
- Woo, C 1998, 'The Hindmarsh Island Bridge controversy: your secret is safe with me', in GD Meyers & A Field (eds), *Identify, land and culture in the era of native title*, National Native Title Tribunal, Perth WA.

Wooten, H 1994, 'The Alice Springs Dam and sacred sites', in M Goot & T Rowse (eds), *Make a better offer: the politics of Mabo*, Pluto Press, Sydney.

Wooten, H 2006, 'Resolving disputes over Aboriginal sacred sites: some experiences in the 1990s', in E Coleman & K White (eds), *Negotiating the sacred: blasphemy and sacrilege in a multicultural society*, ANU E Press, pp. 191–204, http://press.anu.edu.au/titles/nts_citation/.

Young, S 2008, *The trouble with tradition: native title and cultural change*, Federation Press, Sydney.

Cultural heritage case law

The following list has been copied with permission from Tan, C 2010, *The effect of the 'public-private' dichotomy on the concept of Indigenous 'sacred place' in the religious freedom and heritage protection laws of Australia, USA, Canada and New Zealand*, Faculty of Law, the University of Western Australia.

Aboriginal Legal Rights Movement v South Australia and Stevens [No 1] (1995) SASR 551

Aboriginal Legal Rights Movement V South Australia and Stevens [No 2] (1995) SASR 558

Aboriginal Legal Rights Movement v South Australia and Stevens [No 3] (1995) 64 SASR 570

Aboriginal Sacred Sites Protection Authority v Maurice (1986) 10 FCR 104

Adelaide Company of Jehovah's Witness v Commonwealth (1943) 67 CLR 116

Anderson v Director-General of Department of Environment and Climate Change [2007] NSWLEC 702

Anderson v NSW Minister for Planning [2008] NSWLEC 120

Anderson v Minister for the Environment, Heritage and the Arts [2010] FCA 57

Australian Heritage Commission v Mount Isa Mines Ltd [1995] FCA 1689

Attorney-General for Victoria ex rel Black v Commonwealth ("the DOGS" case) (1981) 146 CLR 559

Attorney-General (NSW) v Grant (1976) 135 CLR 587, 60

Brodney and Mippy and Bropho v Trustees of the Museum, ACMC and Minister (Unreported, Supreme Court of Western Australia, Franklyn J, 23 November 1989)

Bropho v Keith Wilson and State Energy Commission (Unreported, Supreme Court of Western Australia, Rowland J, 8 July 1986)

Bropho v WA (1990) 171 CLR 1

Bropho v Tickner (1993) 50 FCR 165

Canterbury Municipal Council v Moslem Alawy Society (1987) 162 CLR 145

Carriage v Stockland Development Pty Ltd [2002] NSWLEC 117

Carriage v Stockland Development Pty Ltd [2002] NSWLEC 216
Carriage v Stockland Development Pty Ltd [No 3] [2003] NSWLEC 86
Carriage v Stockland Development Pty Ltd [2004] NSWLEC 320
Carriage v Stockland Development Pty Ltd [No 6] [2004] NSWLEC 541
Carriage v Stockland Development Pty Ltd [No 4] [2004] NSWLEC 553
Catholic Church of the Diocese of Darwin Property Trust v Monterio (1987) FLR 427
Chapman v Ticker (1995) 133 ALR 74
Chapman v Ticker (1995) 55 FCR 316
Chapman v Luminis Pty Ltd [No2] [2000] FCA 1010
Chapman v Luminis Pty Ltd [No3] [2000] FCA 1120
Chapman v Luminis Pty Ltd [No4] [2000] FCA 1121
Chapman v Luminis Pty Ltd [No5] [2000] FCA 1470
Chapman v Luminis Pty Ltd [No5] [2001] FCA 1106
Cheedy v State of Western Australia [2010] FCA 690
Chapman v Saunders [2001] FCA 4
Cheinmora v Striker Resources, Dann and WA (1996) 142 ALR 21
Christian Family Schools Association v Public Transport Corporation [1990] EOC 92-300
Church of the New Faith v Commissioner of Payroll Tax (“Scientology” case) (1983) 154 CLR 120
Commonwealth v Tasmania (1983) 158 CLR 1
Country Energy v Williams [2005] NSWCA 318
Dates v Minister for the Environment, Heritage and the Arts [2010] FCA 256
Jack Dann/Western Australia/GPA Distributors [1995] NNTTA 43
Director of National Parks and Wildlife v Histollo Pty Ltd [1995] NSWLEC 250
Djaigween v Western Australia (Unreported, Supreme Court of Western Australia, Owen J, decision delivered 18 January 1994, reasons delivered 4 February 1994)
Dolores Cheinmora/Western Australia/ Striker Resources (1996) 129 FLR 233
Eastarn Yugambah People v Coomera Water Village and Resort Pty Ltd [2004] QRT 128
Evers v Evers (1972) 19 FLR 296
Feilding v Houston (1908) 7 CLR 393
FMG Pilbara Pty Ltd/Ned Cheedy and ors on behalf of the Yindjinbarndi People/Western Australia [2009] NNtTA 91
Forster v Mountford (1976) 14 ALR 71
Grace Bible Church v Reedman (1984) 36 SASR 376

Halliday v Commonwealth [2000] FCA 950
In the Marriage of Firth (1998) 12 Fam LR 547
Judd v McKeon (1926) 38 CLR 380
Kartinyeri v Commonwealth (1998) 195 CLR 337
Kruger v Commonwealth (1996) 190 CLR 1
Kryger v Williams (192) 15 CLR 366
Little v Western Australia [2001] FCA 1706
Members of the Yorta Yorta Aboriginal Community v Western Australia and Ors (2004) 212 CLR 422
Milirrpum v Nabalco (1971) 17 FLR 141
Minister for Aboriginal Affairs v Western Australia (1996) 49 FCR 507
Minister for Immigration v Lebanese Moslem Association (1987) 71 ALR 578
Minister for Indigenous Affairs v Catanach [2001] WASC 268
Museums Board of Victoria v Carter [2005] FCA 645
Nelan v Downes (1917) 23 CLR 546
Ngalia Heritage Research Council Aboriginal Corporation v Minister for Aboriginal Affairs Dominion Mining Ltd (Unreported, Supreme Court of Western Australia, White J, 6 November 1991)
Ngunnawal People v ACT, Commonwealth and Others [2004] FCA 785
Noonkanbak Pastoral Cot Pty Ltd v Amax Iron Ore Corporation (Unreported, Supreme Court of Western Australia, Brinsden J 27 June 1979)
Norvill v Chapman, Tickner v Chapman (1995) 57 FCR 451
Onus v Aloca (1981) 149 CLR 27
R v Winneke; Ex parte Gallagher (1982) 152 CLR 211
Re Minister for Indigenous Affairs; Ex Parte Woodley (No 2) [2009] WASC 296
Re Queensland Electricity Transmission Corp. Ltd (trading as Powerlink Queensland) and Bonner and Ors [2006] QLRT 8
Re Toohey; Ex parte Meneling Station 19984) 158 CLR 327
Sakurai v Northern Territory [2004] FCA 971
Shoujaa Pty Ltd v Aboriginal Areas Protection Authority and Abbott [2008] NTSC 11
Silver v Northern Territory (20020) 169 FLR 1
Queensland v Best [2006] QLRT 9
Street v Queensland Bar Association (1989) 168 CLR 461
Sumner v United Kingdom [1999] SASC 456
Sumner v United Kingdom [1999] SASC 462
Sumner v United Kingdom [2000] SASC 91
Ticker v Bropho (1993) 40 FCR 183

Traditional Owners – Nyiyapalri People v Minister for Health and Indigenous Affairs [2009] WASAT 71

WA Museum v Information Commissioner (1994) 12 WAR 417

Walker v Shire of Flinders [1984] VR 409

Wamba Wamba Local Aboriginal Land Council v Minister (1989) FCR 239

Western Australia v Bropho (1991) 5 WAR 75

Western Australia v Minister for Aboriginal Affairs (1994) 54 FCR 144

Western Australia v Minister for Aboriginal Affairs (1995) 37 ALD 633

Western Australia v Ward (2002) 213 CLR 1

Western Australia/Glen Griffen Venn Mobey/jack Britten [2001] NNTTA 53

Western Australia/Winnie McHenry on behalf of the Noongar People [1999] NNTTA 210

Williams v Homestake Australia Ltd [2002] NSWLEC 5

Williams v Barrick Australia Ltd [2002] NSWLEC 43

Williams v Homestake Australia Ltd [2002] NSWLEC 68

Williams v Director-General of National Parks and Wildlife [2002] NSWLEC 155

Williams v Director-General of National Parks and Wildlife [2002] NSWLEC 231

Williams v Pardoe [2003] MSW:EC 150

Williams b Barrick Australia Ltd [2003] NSWLEC 218

Williams v Director-General of National Parks and Wildlife [2003] NSWLEC 251

Williams v Director-General of National Parks and Wildlife [2003] NSWLEC 252

Williams v Minister for Environment and Heritage [2003] FCA 535

Williams v Minister for Environment and Heritage [2003] FCA 62

Williams v Minister for Environment and Heritage [2004] FCAFC 58

Williams v Director-General of Department of Environment and Conservation [2004] NSWLEC 613

Williams v Pardoe [2005] NSWLEC 119

Woodley v Minister for Indigenous Affairs [2009] WASC 251

Native title archaeology

- Bourke, P 2005, 'Identifying Aboriginal "contact period" sites around Darwin: long past due for native title', *Australian Aboriginal Studies* 1: 54–65.
- Brown, S 2008, 'Mute or mutable? Archaeological significance, research and cultural heritage management in Australia', *Australian Archaeology* 67: 19–29.
- Cole, N & Buhrich, A 2012, 'Endangered rock art: forty years of cultural heritage management in the Quinkan region, Cape York Peninsula', *Australian Archaeology* 75: 66–77.

- Dugay-Grist, M 2013, 'To do or not to do; archaeology and its future as a discipline within Australia', seminar in the series Culture in Crisis? The Protection and Trade of Indigenous Heritage in the 21st Century, AIATSIS, Canberra, 16 September, <http://www.aiatsis.gov.au/research/seminarseries/SeminarSeries2013-2.html>.
- Flood, J 1995, 'Aboriginal sites: identification and significance assessment at a national level', in S Sullivan (ed.), *Cultural conservation: towards a national approach*, Australian Heritage Commission Special Australian Heritage Publication Series no. 9, Australian Government Publishing Service, Canberra.
- Godwin, L 2005, "Everyday archaeology": archaeological heritage management and its relationship to native title in development-related processes', *Australian Aboriginal Studies* 1: 74–83.
- Godwin, L & Weiner, J 2006, 'Footprints of the ancestors: the convergence of anthropological and archaeological perspectives in contemporary Aboriginal heritage studies', in B David, B Barker & I McNiven (eds), *The social archaeology of Australian Indigenous societies*, Aboriginal Studies Press, Canberra, pp. 124–38.
- Grounds, S & Ross, A 2010, 'Constant resurrection: the tri hybrid model and the politicisation of Australian archaeology', *Australian Archaeology* 70: 55–67.
- Harrison, R 2005, 'Contact archaeology and native title', *Australian Aboriginal Studies* 1:16–29.
- Hemming, S & Trevorrow, T 2005, 'Kungun Ngarrindjeri Yunnan: archaeology, colonialism and reclaiming the future', in C Smith & M Wobst (eds), *Indigenous archaeologies: decolonising theory and practice*, Routledge, London, pp. 243–61.
- Lilley, I 2000, 'Professional attitudes to Indigenous interests in the native title era: settler societies compared', in I Lilley (ed.), *Native title and the transformation of archaeology in the postcolonial world*, Oceania Monograph 50, Oceania Publications, University of Sydney, pp. 99–111.
- (ed.) 2000, *Native title and the transformation of archaeology in the postcolonial world*, Oceania Monograph 50, Oceania Publications, University of Sydney.
- McCarron-Benson, A 2005, 'Native title archaeology: a synopsis of the role of archaeology in litigated native title determinations in Australia', *Australian Aboriginal Studies* 1: 66–73.
- McDonald, J 2005, 'Archaeological evidence in the De Rose Hill native title claim', *Australian Aboriginal Studies* 1: 30–44.
- McNiven, I 2011, 'The Bradshaw debate: lessons learned from critiquing colonialist interpretations of Gwion Gwion rock paintings of the Kimberley, Western Australia', *Australian Archaeology* 72: 35–44.
- Roberts, A, Hemming, S, Trevorrow, T, Trevorrow, G, Rugney, M, Rigney, G, Agius, L & Agius, R 2005, 'Nukun and Kungun Ngarrindjeri ruwe' (Look and listen to Ngarrindjeri country): an investigation of Ngarrindjeri perspectives of archaeology in relation to native title and heritage matters', *Australian Aboriginal Studies* 1: 45–53.

- Ross, A, Prangnell J & Coghill, B 2010, 'Archaeology, cultural landscapes and Indigenous knowledge in Australian cultural heritage management legislation and practice', *Heritage Management* 3(1): 73–96.
- Thomson, JR 2012, 'The western tension zone: archaeological significance assessments of Indigenous sites in Western Australia', thesis submitted to School of Built Environment in partial completion of Masters of Applied Cultural Heritage, Curtin University, Western Australia.
- Veth, P & McDonald, J 2002, 'Can archaeology be used to address the principle of exclusive possession in native title?', in R Harrison & C Williamson (eds), *After Captain Cook: the archaeology of the recent Indigenous past in Australia*, Sydney University Archaeological Methods, no. 8, Archaeological Computing Laboratory, University of Sydney, pp. 121–32.
- Veth, P & O'Connor, S 2005, 'Archaeology, claimant connections to sites, and native title: employment of successful categories of data with specific comments on glass artefacts', *Australian Aboriginal Studies* 1: 2–15.
- Ward, GK 1983, 'Archaeology and legislation in Australia', in C Graeme (ed.), *Australian field archaeology: a guide to techniques*, Australian Institute of Aboriginal Studies, Canberra, pp. 18–42.
- Zimmerman, LJ 2014, 'Consulting stakeholders', in J Balme & A Paterson (eds), *Archaeology in practice: a student guide to archaeological analyses*, Wiley-Blackwell, Brisbane, pp. 39–58.