



Native Title Newsletter

AIATSIS Native Title Research Unit

November/December 2004

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

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

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

Lisa Strelein has returned from a short sabbatical as a Visiting Fellow with the Faculty of Law and Native Law Students Association at the University of Victoria, Canada. Lynley Wallis is leaving the Indigenous Facilitation and Mediation Project to take up a lecturing position at Flinders University.

Research Activities

The new NTRU website is up and running. The NTRU will continue to develop the website's capacity as a research resource, as well as keeping it up-to-date and relevant. Access to the NTRU website is through www.aiatsis.gov.au. For more information on the website, see page 4 of this Newsletter.

The AIATSIS Conference, which all of the NTRU staff participated in, was held on 22 Nov – 25 Nov 2004. Stuart Bradfield organised the session on Sharing Land and the Politics of Property with Colin Tatz. Stuart presented a paper in this session on Sharing the Process: Native Title and Comprehensive Settlements. Lara Wiseman, with Peter Veth and Dave Johnston, organised the session on National and World Heritage Nominations and the Impact of Native Title and Agreement Making. Toni Bauman, with Patrick Sullivan, organised the session on Theoretical and Practical Frameworks for Dealing with Culture and Conflict. Response to these sessions, and to the Conference as a whole, was very positive. Craig Greene, one of the two conference conveners for the AIATSIS Conference, is now working full time on the Native Title Conference for June 2005.

Stuart Bradfield helped coordinate the 'Federation Dialogues Series: National Voices: Representing Indigenous Peoples in Canada and Australia' held with Mick Dodson, Chair of AIATSIS, and Leroy Little Bear, Native American Studies Professor at the University of Lethbridge, Alberta, Canada. The Federa-

tion Dialogues Series aims to bring together eminent Canadians and Australians in a public dialogue to discuss topics of interest to the two countries.

Stuart Bradfield presented a paper, 'Treaty and Indigenous Policy: A Practical Alternative?' at the Dialogues Across Culture Conference in Melbourne on 12 November.

Indigenous Facilitation and Mediation Project (IFaMP) Update

Native Title Representative Bodies Workshop Report

In May and June 2004, IFaMP conducted a number of workshops, sponsored by the NNTT, with NTRBs which discussed issues surrounding Indigenous decision-making and conflict management, and identified training needs in these areas. A draft report on the workshops was prepared by Rhiân Williams and Toni Bauman.

Comments were received on the draft report from a range of reviewers, including members of the IFaMP Project Reference Group, and the report has now been reviewed and distributed. It is available on the IFaMP web site, and will be published in hardcopy in 2005.

Survey of Native Title Mediation Practitioners

Native Title Mediation Practice, a comprehensive survey of Native Title mediation practitioners in Australia by Rhiân Williams, is now available in draft form on the IFaMP website. It will be published in hardcopy in 2005.

Evaluation Workshop

On 18 October 2004, an IFaMP workshop sponsored by the NNTT to consider issues around the evaluation of training in mediation and facilitation was held at AIATSIS. The workshop involved a range of evaluation specialists, including those who have carried out previous evaluations of Indigenous mediation and facilitation programs. Participants also in-

cluded policy makers, including representatives from the Office of Indigenous Policy Coordination, the Office of the Registrar of Aboriginal Corporations and the NNTT.

The workshop was aimed at exploring and considering the range of principles and issues that underpin the development of a useful, coherent and easily applied evaluation framework, which would be applied to any pilot training in mediation and facilitation. This will help to ensure accountability, and that the benefits of training are identified and realised.

Community Mediation Centres and Native Title Representative Bodies Forum

The Community Mediation Centres and Native Title Representative Bodies Forum was held at AIATSIS on 26-27 October 2004. There were 14 participants from various community mediation centres and NTRBs in ACT, NSW, Queensland and Victoria.

The Forum aimed to facilitate a dialogue between NTRBs and community mediation centres, discuss the possible development of pilot training and the nature of training required, and the option of community mediation centres providing mediation and facilitation services to NTRBs. NTRBs are now aware of what the community mediation centres have to offer, including free or low cost mediation and facilitation services and training.

AIATSIS Seminar Series

AIATSIS holds a regular Seminar Series usually on Mondays, 12:30pm to 2:00pm, in the Mabo Room, AIATSIS, Canberra. IFaMP is convening the AIATSIS Seminar Series during Semester 1, 2005 commencing 28 February 2004. Papers will explore theoretical, ethnographic and linguistic concerns as well as 'best practice' issues in the native title arena and policy development. A draft program will be distributed in early 2005.

WHATS NEW

Publications

Issues paper no. 30, Daniel Lavery's paper, 'The Level of Recognition of the Native Title Claim Group: A Legal and Policy Perspective', is now available.

Hot Topics is a series that provides information for students on recent changes and current debates in the law and is produced by the Legal Information Access Centre (LIAC). Hot Topics 48 is on native title. For more information on this issue, see LIAC at the State Library of NSW <http://liac.sl.nsw.gov.au/hot/>

The National Native Title Tribunal's Annual Report 2003-2004 is available now through the NNTT website: www.nntt.gov.au/publications/annual2001.html

A draft plan of management for Arakwal National Park, the sacred ancestral place of the Byron Bay Arakwal people, has been released for public comment. The plan of management is available from www.nationalparks.nsw.gov.au/PDFs/PoM_draft_ArakwalNP.pdf and submissions are open until 28 February 2005.

UPCOMING EVENTS

The Mawul Ceremony belongs to the Yolngu people of East Arnhem Land and has been used traditionally for centuries as a conflict resolution and healing process to restore relationships between individuals, groups and clan nations. The Mawul ceremony is strongly linked conceptually to non-Indigenous ideals

related to mediation, conflict-resolution and decision-making processes. For more information on this week long traditional and contemporary mediation and leadership training go to www.mawul.com, email paul.tolliday@mawul.com or call 0409 177 161.

Opportunities

The Indigenous Law Journal, a Canadian publication, is calling for papers for upcoming editions. The Indigenous Law Journal provides a forum for the discussion of Indigenous legal issues in Canada and internationally. They encourage submissions from all peoples, nations and perspectives. For detailed information regarding submissions, please see www.indigenouslawjournal.org/submit.htm.

Please direct all submission enquiries to submissions.ijl@utoronto.ca.

The Australian Review of Public Affairs (APRA), formerly, 'The Drawing Board: The Australian Review of Public Affairs', is calling for papers. APRA, both a journal and a digest, is edited by an interdisciplinary team based in the School of Economics and Political Science at the University of Sydney. It is available free on the internet from www.australianreview.net.

FEATURE

The New NTRU Website

The NTRU recently launched its new look website which is designed to increase the capacity of the website as a research resource. The website is a key means of disseminating native title research to native title representative bodies, practitioners, academics, claimants and the public. Our website also allows geographically distant individuals and organisations access to quality independent research and helps contribute to the level of native title information available online.

At present, the new website is only partially finished. Over the next six months, the NTRU will continue to develop the website and also ensure it is kept up-to-date.

Some of the highlights of the new website –

The Native Title Resource Guide

The Native Title Resource Guide is an on-line research resource that acts as a portal site for accessing information about native title. The Guide includes some brief commentary and collates native title and related Indigenous land issues information from a wide range of sources including: the Agreements, Treaties and Negotiated Settlements Project, Native Title Representative Bodies, the National Native Title Tribunal, the Indigenous Land Corporation, government departments, the Federal & High Courts and the Australasian Legal Information Institute providing one-stop access to native title information and web resources.

The Native Title Resource Guide includes information about and links relating to:

- Native title legislation and case law;
- Federal, State and Territory Governments' native title policies and procedures;
- Native Title Representative Bodies, registered native title bodies corporate, government agencies and other organisations involved in native title;
- Native title applications and determinations;
- Indigenous Land Use Agreements, future acts and other native title related agreements and outcomes;
- Land tenure, land rights legislation, land acquisitions, Indigenous land management and Indigenous Protected Areas;
- Indigenous population profiles; and
- Related research resources.

The Native Title Resource Guide should be up and running in February.

Research Resource Pages

The new website also includes new research resource pages on subjects relating to native title. Native title resource pages provide researchers with the background of an issue, a brief summary of the determination where necessary, a selected bibliography, links to re-

sources already on the NTRU website, links to relevant material where it is available online, relevant cases and legislation. Current research resource pages include Yorta Yorta, Compensation, Croker Island and Miriwung-Gajerrong. Upcoming research pages are listed on the website and include Expert Evidence, International Law, Agreement Making, and Cultural Heritage.

ILUA's Summary

The new website also includes an Indigenous Land Use Agreement Table. The table summarises each ILUA and provides basic information about each agreement quickly and easily. The table provides information such as the date of the ILUA, the type of ILUA, and the subject matter of the ILUA (both based on the ATNS classifications and the NNTT). The table provides a useful overall picture of the different types of ILUAs that are being made both previously and currently.

Publications

The NTRU are hoping to increase the number of publications available online. Issues Papers and Newsletters are, and will continue to be, available online. Conference papers that were available on the previous website will still be available on the new website and the NTRU are trying to chase up papers from previous conferences as well. Native Title in the News, currently only a section of the Newsletter, will be available separately through the website so that native title stories in the media will be more readily available while they are still relevant and new. The Briefing Paper series is a new initiative of the NTRU and will be available online shortly. Briefing Papers are short one-page summaries

of work done within the NTRU. Briefing Papers are aimed primarily at NTRB staff who may not have the time to read an entire article but will be able to read the summary and follow up on the article if relevant to their work.

IFaMP

The new NTRU website links to the Indigenous Facilitation and Mediation Project (IFaMP) website - an extensive resource for information on mediation and dispute management. If you haven't already had a look at the IFaMP website, you should soon, it is available at www.aiatsis.gov.au/rsrch/ntru/ifamp/index.html.

Photos and Artwork

The photos of traditional country that appear on each page of the website were supplied by two Native Title Representative Bodies. We are in the process of contacting more NTRB's to see if they would like to provide photos of their traditional country for the website. The artwork used with the Native Title Research Unit text on each page of the website is *Tingari men travel from Marruwa going east*, by Warlimpirrnga Tjapaltjarri. This artwork (of which only a small part appears on the website) was part of the Native Title Business Exhibit, an exhibition of Indigenous art and its importance to native title. The NTRU hope that a virtual tour of the Native Title Business Exhibit will eventually be available through the NTRU website. In the meantime, visitors can see 16 of the artworks from the exhibit on the NTRB website - www.ntrb.net.

Have a look at the new NTRU website at www.aiatsis.gov.au/rsrch/ntru/index.html.

NATIVE TITLE IN THE NEWS

National

National Native Title Tribunal President Graeme Neate attended the 5th World Summit of Nobel Peace in Rome this year, which is now an annual event. At the Summit, Mr

Neate outlined the challenges and opportunities Australia faces to recognise and protect the rights of Indigenous Australians in relation to their traditional lands and waters. In summary, Mr Neate has said that Indigenous peoples rights to land was now part of the

legal and social landscape of the nation. He also stated that there was much to be done in Australia to recognise and protect Indigenous native title rights whilst still operating in the interests of governments, industries and the general public. *NNTT Media Release, pg 11.* 10-Nov-04.

National Indigenous council member and former Dubbo Deputy Mayor, Warren Mundine, has said the sale of native title land holdings would help secure economic freedom for the Aboriginal community. Mr Mundine further stated that the key to economic advancement for Aboriginal communities was locked up in native title land holdings, which could be selectively sold, and that in New South Wales alone, Indigenous people had up to \$2 billion worth of land. *Daily Liberal, pg 4.* 07-Dec-04.

At a special sitting of the Federal Court in Melbourne, Justice Anthony North has commented that the Tasmanian and Victorian Governments are making slow progress in relation to native title claims. A review will be conducted into 20 unresolved native title cases in his jurisdiction. Justice North pointed to the elaborate procedural requirements imposed by the State Governments in relation to proof of connection and a lack of willingness to adjust requirements of connection to the circumstances of the particular cases as contributors to the lack of progress. *Hobart Mercury, pg 11.* 08-Dec-04.

A Federal Court investigation into native title has revealed there are many unrealistic cases in the system which are cost in-effective. The report obtained under Freedom of Information, also stated that many Aboriginal witnesses did not understand the native title process, judges needed to adopt a more hands on approach to increase the chances of cases being ready to proceed to trial and that many claimants are seeking a Mabo style determination which includes exclusive possession, occupation, use and enjoyment of the land and waters and exclusive control over

entry, when the claimants needed to set more achievable targets. *The Australian, pg 6.* 16-Dec-04.

National Native Title Tribunal President Graeme Neate said that he was not aware of any support for a time limit on native title claims, despite fears that disputes were 'clogging' the Federal Court and were costly to taxpayers. Mr Neate further mentioned that it would be surprising to find any political party or interest group willing to support a sunset clause to reduce the cost of native title or revisit the Native Title Act. *Cairns Post, pg 20.* 23-Dec-04.

New South Wales

The NSW Land and Environment Court has recently overturned a decision which had allowed the destruction of Indigenous sites in relation to the Lake Cowal gold mine project. Canadian owned Barrick Gold and NSW Country Energy were ordered to consult with the traditional owners after the Court found that they had prevented a Wiradjuri elder from inspecting an area earmarked for a 115km electricity transmission line for the proposed mine. Wiradjuri elder Neville Williams lodged this complaint with the NSW Department of Environment and Conservation early this year. *Weekend Australian, pg 10.* 06-Nov-04. Wiradjuri people: NC02/3, N6002/02.

The potential development of the old Conrad mine south of Inverell may be back in operation soon ending a delay of more than 12 months. Malachite Resources NL managing director Garry Lowder said drilling and sampling could soon be underway again. Mr Lowder stated the long delay was not due to disagreement, but rather reflected the slow administration of the issue. *Inverell Times, pg 6.* 23-Nov-04. Githabul group.

A Court hearing on the South Coast of New South Wales may result in a native title right for Indigenous people to fish in accordance

with traditional customs without adhering to any fishing regulations or bag limits. The hearing in Narooma Local Court before magistrate Paul Lyon arose after eleven Indigenous people from the Mogo area were charged with a range of fisheries offences, including taking undersized abalone. The case is currently adjourned with a date to be advised at the Sutherland Local Court. The hearing will resume next year with the Crown and defence counsel presenting their submissions. *Sun Herald*, pg 57. 28-Nov-04.

The landmark court case against 11 Aboriginal men from the New South Wales south coast charged with mainly abalone offences may not be decided until mid 2005 according to magistrate Paul Lyon. The case which was concluded in Narooma last month started in Moruya more than 12 months ago. The men are charged with offences under the NSW Fisheries Management Act and following regulations. *Koori Mail*, pg 18. 15-Dec-04.

Northern Territory

The Northern Land Council recently held its 87th full Council meeting. At the meeting the Land Council stated it had endorsed a record number of agreements in Aboriginal land, with 44 separate proposals given the go-ahead to proceed across the top end of the Northern Territory. Significant agreements include a manganese mine agreement at Bootu Creek in the Barkly District, and a water easement project over the Kenbi land claim which will bring water to the Wagait Beach region in the Cox Peninsula near Darwin. *Koori Mail*, pg 58, 1-Dec-04.

Wagiman, Warai and Jawoyn native title groups have reached an agreement with Arafura Resources NL, which will allow the company to be granted a mining tenement, Mineral Lease 23839, over the Mt Porter gold deposit near Pine Creek in the Northern Territory. This outcome comes after 12 months of negotiation between Arafura and the Northern Land Council on behalf of the Indigenous groups. The agreement addresses

the concerns of the native title groups about Aboriginal site and heritage protection, employment opportunities, mine site rehabilitation and financial compensation once the mining commences. *NNTT Media Release*. 17-Dec-04. Wagiman, Warai and Jawoyn People.

Queensland

The Waluwarra people recently travelled to Urandangie to discuss the execution of a Memorandum of Understanding (MOU) with the Australian Agricultural Company (AAC). The land over which the agreement relates covers certain areas of the Georgina River south-west of Mount Isa. Waluwarra Elder Marlene Speechley said the agreement with the AAC was an exciting venture for her people. *Murri Views*, pg 14. n.d-Nov-04. Waluwarra People.

Mapoon Council, on behalf of the local community has strongly rejected claims made by traditional owner Mr Eddie Woodley, that it failed to act properly and legally in its use of community land, in particular the Community's Fishing Venture. The Council is reported to be saddened and baffled by the claims as they say Mr Woodley was involved in the process of establishing the Fishing Venture project as a Councillor. *Weipa Bulletin*, pg 4. 05-Nov-04. (Couldn't find).

The Queensland State Government has stated the native title process was creating jobs and training for Indigenous people in the State, in particular the north-west through agreements. This statement comes after Premier Peter Beattie visited Zinifex Century mine and meet with representatives of the Waanyi People. For example, Zinifex Century has employed approximately 100-120 Indigenous workers, which was around 20 per cent of total workers in their company. *North West Star*, pg 3. 10-Nov-04. Waanyi People.

Jason O'Brien, member for the Queensland electorate of Cook is pleased native title determinations in the Torres Strait will be made

by the end of the year. The Federal Court will visit the Torres Strait between the 7 -14 December for the making of consent determinations which will include the Kulkalgal People, Erubam Le People, Ugar People, People of Boigu and Yama Islanders/Tudulaig combined, Gebara Islanders/Badu Islanders. *Torres News*, pg 3. 10-Nov-04. Kulkalgal People: QC01/7, Q6006/01, Erubam Le People, Ugar People, People of Boigu and Yama Islanders/Tudulaig combined, Gebara Islanders: QC96/51, QG6066/98, Badu Islanders.

Torres Strait Islanders in north-eastern Queensland have finalised the remaining claims over their Island communities. On Erub (Darnley Island) in eastern Torres Strait Justice Richard Cooper of the Federal Court handed down one of seven consent determinations recognising the exclusive native title rights and interests of the Erubam Le people. This was followed by consent determinations over Ugar (Stephen Island), Boigu Island, Yam Island, Tudu Island and Badu Island, also recognising the exclusive native title rights of these communities. The native title claimants negotiated these agreements with the State Government and other parties including Telstra and Ergon Energy. *NNTT Media Release*. 08-Dec-04. Kulkalgal People, Erubam Le People, Ugar People, People of Boigu and Yama Islanders/Tudulaig combined, Gebara Islanders and Badu Islanders.

Two ILUA's located in the opal fields of south-west Queensland have been signed at a ceremony at Parliament House. The South-West Queensland Small Scale Mining ILUAs were a result of four years of negotiations including the Boonthamurra People, Budjiti People and Mardigan People and opal miners over the 50,000 sq km of opal-rich lands. *Western Sun*, pg 7. 17-Nov-04. Boonthamurra People, Budjiti People and Mardigan People.

Federal Attorney-General Philip Ruddock recently visited the Indigenous community of Yarrabah just outside of Cairns. The visit was to discuss issues such as native title, domestic

violence and justice with the Yarrabah community leaders. Mr Ruddock was made aware of the complexities of native title in the region due to four different claims over the land and numerous Indigenous families involved. *Cairns Post*, pg 2. 17-Dec-04. Far North Queensland region.

A native title claim in Far North Queensland involving the Djabugay people has been determined. The claim which is 2800ha in size and located 10km north-west of Cairns, became the first claim to be recognised over a Queensland national park. Justice Jeff Spender ended 10 years of negotiation by granting the Djabugay people non-exclusive possession of the World Heritage-listed Barron Gorge National Park. The Djabugay people have now called upon the State Government to create employment opportunities for Indigenous people as apart of the agreement. *Cairns Post*, pg 3. 18-Dec-04. Djabugay People v State of QLD: QC94/4, QG6002/98.

Plans to develop a parcel of land on Centenary Drive on Boyne Island have been put on hold indefinitely due to native title issues. Natural Resources and Mines regional manager Athol Backhouse said negotiations were under way with the traditional owners and the Gurang Land Council, the native title representative body in the region. Mr Backhouse further mentioned that if a resolution could be reached the land has the potential to provide housing market relief for the area. *Gladstone Observer*, pg 4. 20-Dec-04.

As of January 2005, Far Northern pastoral leaseholders who have a native title claim over their property are now required to have a native title agreement with the relevant Indigenous group in place before their tenure can be extended or upgraded under new rules. This is a result of the *Rural Leasehold Land Review*, the first review of the leasehold land system in Queensland for 50 years. Queensland Natural Resources and Mines Minister Stephen Robertson has said the

changes should encourage those involved in the native title process to enter into Indigenous Land Use Agreements. *Cairns Post*, pg 20. 23-Dec-04.

South Australia

The first native title agreement negotiated by local governments and an Indigenous group in South Australia was recently signed in Maitland on the Yorke Peninsula after 20 months of negotiations. The ILUA involved four local councils, the Narungga people and the State Government and set out a process for planning infrastructure development and included a protocol for the protection of Aboriginal heritage. The agreement also recognises the Narungga People as the traditional owners of the Yorke Peninsula and provides a compensation package. *NNTT Media Release*. 3-Dec-04. Narungga people.

Up to 28 South Australian shire councils could join forces next year to negotiate a native title ILUA covering the length of Adelaide. The current Kurna claim covers an area from Port Pirie to Yankalilla. Local Government Association (LGA) spokesperson Chris Russell said a template for negotiating with the Kurna community would be developed based on the successful Yorke Peninsula negotiation. Consultations and briefings with councils on dealing with native title and the specific ILUA will be held early next year. *Eastern Courier Messenger*, pg 9. 21-Dec-04. Kurna Peoples Native Title Claim: SC00/1, S6001/00.

Victoria

The Wergaia people have labelled the Victorian Government's proposal of a waste dump on their lands as outrageous. The land, which is south of Mildura, near Raak Plain, is covered by two registered native title claims. Wergaia elder Florence Brabham said that the area needs to be preserved as the site was a place of significance. *Sunraysia Daily*, pg 3. 1-Nov-04. Latji Latji and Wergaia People: VC00/2, V6002/00.

The dispute over ownership of Aboriginal artefacts on loan from two British Museums, the British Museum and the Royal Botanic Gardens, is set for trial in the Federal Court on the 15 December. Museum Victoria had been due to return the items to the British Institutions by 30 September until they were prevented by a series of orders. The Dja Dja Wurrung native title group has laid claim to the artefacts. *Koori Mail*, pg 13. 17-Nov-04. Dja Dja Wurrung People.

Western Australia

The Rubibi People and the Western Australian Government have signed a native title agreement. The agreement will allow for a residential development of 33ha of land near Cable Beach in Broome to be underway and will grant the Rubibi People compensation for the extinguishment of native title over the area by a package of cultural, economic and social benefits. *Koori Mail*, pg 13. 17-Nov-04. Rubibi v The State of Western Australia: WAG6006/98.

The Western Australian State Government and the Miriuwung Gajerrong People signed a Memorandum of Understanding (MoU) in Kununurra. This agreement has been hailed as a major step forward for the development of the East Kimberley region. Under the MoU, native title and heritage issues over 65,000 hectares of land around Kununurra and Lake Argyle will be resolved and the land released for development. *Kimberley Echo*, pg 3. 18-Nov-04. Miriuwung Gajerrong People: WC04/4, W124/04.

The Walga Rock and Wilgie Mia mine site have been handed over to their traditional owners, the Wajarri People in a landmark agreement in Cue. The move is being recognised as a significant step forward for all Yamatji People. *Geraldton Guardian*, pg13. 19-Nov-04. Wajarri People.

Nickel miner Minara Resources is facing a legal claim of up to \$20 million by a group led by the Kalgoorlie based North-East Independent Body Indigenous Corporation for breach of agreement in relation to the development of the Murrin Murrin project. The deal was finalised in July 1998 when Minara Resources was known as Anaconda Nickel. It is alleged that under the agreement Minara Resources would commit \$1 million a year to an Indigenous trust from six months after mine production for the life of the mine. *West Australian*, pg 44. 03-Dec-04. North-East Independent Body.

Western Australian Deputy Premier Eric Ripper recently unveiled plans to streamline the native title process which will allow faster processing of mining tenement applications. This agreement reached between the State Government, the mining industry and native title claimants will mean Indigenous concerns will be handled up front which will reduce the number of objections lodged by native title parties. *Geraldton Guardian*, pg 5. 08-Dec-04.

A MoU has been signed between the Department of Indigenous Affairs (DIA), the Aboriginal Lands Trust (ALT) and the Yamatji Land and Sea Council (YLSC). The MoU will provide traditional owners in the Yamatji and Pilbara regions, through their representative bodies, the opportunity to have a stronger voice in relation to the process of land transfers when liaising with the DIA and the ALT. *Geraldton Guardian*, pg 9. 13-Dec-04.

Joyce Capewell has questioned the representation of the Nanda native title working group claiming her family was not consulted on the mining agreement made between Gunson Resources and the working group. The agreement was facilitated by the Yamatji Land and Sea Council (YLSC), who was not involved in the selection process for the working group. Ms Capewell said the Drage family was unaware of the agreement and

should have been involved as the family contained a number of the eldest living Nanda people. *Geraldton Guardian*, pg 5. 15-Dec-04. Nanda People: WC00/13, WG6136/98.

The re-opening of a Goldfields tourist icon, the Golden Mile Loophole Railway line has been delayed again, this time by Kalgoorlie MLA Matt Birney. Mr Birney halted the expansion by ordering the Railway Society to hold off on construction to allow an application for Federal Government funding. The project was previously held up due to native title and land clearing issues during October. *Kalgoorlie Miner*, pg 16. 18-Dec-04.

The nation's largest native title settlement located in the northern Goldfields region was recently finalised. Deputy Premier Eric Ripper made the announcement after the State Cabinet signed off on the Ngaanyatjarra Lands settlement agreement. The agreement incorporates six applications covering 187,641sq km, stretching from the Gibson Desert nature reserve to the South Australian border. The Ngaanyatjarra claim replaced the Gibson Desert, Baker Lake, Irrunytju-Papulankutja, Tingarri Tjina, Tjirrkali Kanpa and Warburton-Mantamaru claims and includes about 200 mining tenements. The agreement consists of both exclusive and non-exclusive possession. *Kalgoorlie Miner*, pg 3. 24-Dec-04. Ngaanyatjarra Lands settlement agreement.

Aboriginal activist Robert Bropho was not surprised the Federal Environment Minister rejected an appeal by the Nyungah Circle of Elders to cease development of the Champion Lakes Recreational Park, saying that the Federal Government follows suit in accordance with the State Governments submissions. The Nyungah Circle of Elders had appealed against the development saying it would affect the lakebed of Wright Lake and desecrate Aboriginal Spiritual dreaming. However, Planning and Infrastructure Minister Alannah MacTiernan said Federal Environment Minister Ian Campbell had rejected

the group's application because there was no evidence to support a determination of the area as having any particular significance to

Aboriginal culture as defined by legislation. *Canning Community*, pg 5. 28-Dec-04. Nyungah People.

APPLICATIONS LODGED

The National Native Title Tribunal posts summaries of applications that are lodged with them, on their website, <www.nntt.gov.au>. The following lodgements are listed for November/December 2004.

Claimant Applications

Date Filed	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.
04/11/04	McKinlay River	NT	DC04/4	NTD21/04
24/11/04	Edith River	NT	DC04/3	NTD20/04
29/11/04	Gugu Badhun People #2	QLD	QC04/11	QUD244/04
03/12/04	West Ban Ban #2	NT	DC04/5	NTD24/04
07/12/04	Mrs Mirinda Avery-Slater & Ors	NSW	NC04/1	NSD1819/04
16/12/04	Walman Yawuru	WA	WC04/9	WAD285/04
16/12/04	Widi Binyardi	WA	WC04/8	WAD286/04
23/12/04	Olkola People #2	QLD	QC04/12	QUD1/05

Non-Claimant Applications

Date Filed	Application Name	State/ Territory	Tribunal File No.	Federal Court File No.
08/11/04	Minister for Lands	NSW	NN04/10	NSD1627/04
09/11/04	Nowra Local Aboriginal Land Council	NSW	NN04/11	NSD1631/04
31/12/04	Peter Hillig as Administrator of Worimi Local Aboriginal Land Council	NSW	NN04/12	NSD1989/04

REGISTRATION TEST DECISIONS

The National Native Title Tribunal posts summaries of registration test decisions at <www.nntt.gov.au>. The following decisions are listed for November/December. If an application has not been accepted, this does not mean that native title does not exist. The applicants may still pursue the application for the determination of native title. If an application does not pass the

registration test, the applicant may seek a review of the decision in the Federal Court or re-submit the application.

Decision Date	Application Name	State/Territory	Tribunal File No.	Federal Court File No.	Decision
24/11/04	Birri Gubba (Cape Upstart)	QLD	QC97/19-2	QG6249/98	Accepted
26/11/04	Cosmo Newberry	WA	WC96/17	WG144/98	Accepted
26/11/04	Combined Single Noongar Claim	WA	WC03/6	W6006/03	Not accepted
08/12/04	Balanggarra (Combination)	WA	WC99/47	WG6027/98	Accepted
10/12/04	Combined Dulabed and Malanbarra Yidinji Claim	QLD	QC01/14-2	Q6012/01	Accepted
23/12/04	McKinlay River	NT	DC04/4	NTD21/04	Accepted
23/12/04	Gugu Badhun People	QLD	QC04/11	QUD244/04	Accepted

APPLICATIONS CURRENTLY IN NOTIFICATION

Closing Date	Application Number	Application Name
05/01/05	NN04/6	Cabonne Council #2
05/01/05	DC04/2	Jindare
19/01/05	NN04/7	Darkinjung Local Aboriginal Land Council
19/01/05	NC02/4	Mooka & Kalara United Families Claim (Mooka #2)
19/01/05	NC02/8	Mooka & Kalara United Families Claim (Mooka #3)
16/02/05	NN04/8	James and Anomie Day
16/02/05	NN04/9	Huskisson Bowling Club Ltd
16/02/05	WC03/7	Single Noongar Claim (Area 2)
14/03/05	WC03/1	Tjupan 2
14/03/05	QC04/5	Gangalidda and Garawa Peoples
14/03/05	WC04/6	Rubibi #17
21/03/05	NN04/10	Minister for Lands
21/03/05	NN04/11	Nowra Local Aboriginal Land Council

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

RECENT ADDITIONS TO THE AIATSIS COLLECTION CATALOGUES

The following selected items relating to Native Title have just become available on Mura, the AIATSIS on-line catalogue. Note that web addresses are given for some items.

Audiovisual Materials:

Video tapes from the Mirima Dawang Woorlab-Gerring land claim have been deposited in the archive. A copy of the film, *A Shifting Dreaming*, which was made during the hearing of the Kaytej-Warlpiri-Warلمانpa Land Claim in 1981 has been deposited. This film, made for television, was the first film made during the land claim process.

Library Materials:

Indigenous rights: Overseas

Meadows, Michael and Griffith University.
Queensland Studies Centre
Title: A 10-point plan and a treaty: images of Indigenous people in the press in Australia and Canada
In Queensland Review ; Vol. 6, no. 1/edited by Patrick Buckbridge, Belinda McKay, George Lafferty, St Lucia, Qld : University of Queensland Press, 1999: 50-76.

Graham, Mary
Title: Application of the Oslo model for relations between states and Indigenous peoples
In Land Rights Queensland. March 2001, p. 10, port.
http://www.faira.org.au/lrq/archives/200103/stories/oslo_model.html

Anaya, S. James.
Title: Indigenous peoples in international law
Publication info: New York : Oxford University Press, 2004.

Borrows, John
Title: With or without you : first nations law (in Canada)
In McGill Law Journal/revue de droit de McGill ; Vol. 41, 1996: [629]-665

Borrows, John, 1963-
Title: Foreword : issues, individuals, institutions and ideas

Publication info: [Toronto, Canada] : Indigenous Law Journal, 2002
http://www.indigenoulawjournal.org/articles/i1_f.htm

Borrows, John, 1963-
Title: Re-living the present : title, treaties and the trickster in British Columbia
In BC Studies ; no. 120, Winter 1998/99

Daes, Erica-Irene A.
Title: Protection of the heritage of Indigenous people
Publication info: New York : United Nations, 1997

Native Title - Anthropology

Merlan, Francesca
Title: An assessment of Von Doussa on anthropology
<http://www.aas.asn.au/Hindmarshconf/Merlan.pdf>
Publication info: 2001

History – exploration and accounts

Van Toorn, Penny, and Raymond Evans
Title: Authors, scribes and owners: the sociology of nineteenth-century Aboriginal writing on Coranderk and Lake Condah Reserves
In Continuum Vol. 13, no. 3 (Nov. 1999): 333-343

Thorpe, Bill and Raymond Evans
Title: Frontier transgressions: writing a history of race, identity and convictism in early colonial Queensland
In Continuum Vol. 13, no. 3 (Nov. 1999): 325-332

Thorpe, Bill
Title: Remembering the forgotten : a history of the Deebing Creek Aboriginal mission in Queensland 1887-1915
Publication info: Henley Beach, S. A.: Seaview Press, 2004.

Hall, Robert, and R. Ian Hall
Title: Missionary pioneer : insights from diaries, letters, and articles by Robert Hall of

Mornington Island, North Queensland, Australia

Publication info: Waiholo, Otago, N.Z. : Available from W.R. Hall, [1986]

O'Bryan, Cassie

Title: References to Victoria's Aboriginal people in the correspondence of Superintendent La Trobe: 1840-42

In PROactive, No. 32 (September 2004), : 9
<http://www.prov.vic.gov.au/publins.htm#proactive>

Thomas, Martin

Title: Surveyor, anthropologist, 'independent gentleman: the controversial career of R. H. Mathews

In National Library of Australia News Vol 15, no. 1 (Oct 2004) 2004):7-10
<http://www.nla.gov.au/pub/nlanews/2004/oct04/article2.html>

Ford, Roger

Title: The Wreck of the Sovereign

In Land Rights Queensland. July 1998, p. 13, ill.
<http://www.faira.org.au/lrq/archives/199807/stories/f13wreck.html>

Macqueen, Andy

Title: Somewhat perilous : the journeys of Singleton, Parr, Howe, Myles and Blaxland in the northern Blue Mountains.

Publication info: Wentworth Falls, N.S.W. : A. Macqueen, 2004.

The Maitland Mercury and Hunter River general Advertiser; 11 articles on Indigenous issues taken from newspapers published in 1843.

Publication info: Maitland, N.S.W. : Thomas William Tucker and Richard Johns, 1843.

Parry, Suzanne and Historical Society of the Northern Territory.

Title: A suitable island site : leprosy in the Northern Territory and the Channel Island Leprosarium, 1880-1955.

Publication info: Darwin : Historical Society of the Northern Territory, 1989.

Alice Springs Branch of the Country Womens Association (comp.)

Title: The Alice : a story of the town and district of Alice Springs, Northern Territory

Publication info: Adelaide: The Craftsmen Press for the Alice Springs Branch of the Country Womens Association of South Australia , 1960

Government reports and Native Title cases: Australia and States

Western Australia. Dept. of Culture and the Arts.

Title: Cultural commitments : indigenous policy statement and action

Publication info: [Perth, W.A.] : Dept. of Culture and the Arts, [2004]

Pratt, Angela and Australia. Dept. of the Parliamentary Library.

Information and Research Services

Title: The end of ATSIC and the future administration of Indigenous affairs

Publication info: [Canberra] : Dept. of Parliamentary Services, 2004

Native Title - Anthropology

Sullivan, Patrick (Patrick John)

Title: Don't educate the judge : court experts and court expertise in the social disciplines : paper presented at the Native Title Conference, Geraldton 3rd to 5th September 2002

Publication info: 2002

Stead, Jeffery, and Australian Anthropology Society. Conference (2002 :Canberra)

Title: Reflections on the past, present and future roles of anthropology in Aboriginal land councils and native title representative bodies

<http://www.aas.asn.au/conf2002/Jeff%20Stead%20AAS%20paper.pdf>

Native Title – Archaeology

Stone, Tim and Matthew L. Cupper

Title: Last glacial maximum ages for robust humans at Kow Swamp, southern Australia

Publication info: 2003

In Journal of Human Evolution ; Vol. 45, 2003: 99-111

Barker, Bryce and Australian National University. Research School of Pacific and Asian Studies.

Title: The sea people : late Holocene maritime specialisation in the Whitsunday Islands, central Queensland

Publication info: Canberra : Pandanus Books, Research School of Pacific and Asian Studies, Australian National University, 2004.

Native Title – Legal issues

Burke, Paul

Title: The legal implications of Chapman v Luminis for anthropological practice
Panel discussion held Australian National University, 31 October, 2001 under the auspices of the Centre for Aboriginal Economic Policy Research
<http://www.aas.asn.au/Hindmarshconf/Burke.pdf>

Wooten, John Halden

Title: Native title in a long perspective : a view from the eighties
Publication info: 2002
http://www.aas.asn.au/Miscdocs/Wooten_paper.pdf

O'Neill, N. K. F. (Nicholas K. F.) and Simon Rice, Roger Douglas

Title: Retreat from injustice : human rights law in Australia
Publication info: Annandale, N.S.W.: Federation Press, 2004.

Borrows, John, and Leonard I. Rotman

Title: The sui generis nature of Aboriginal rights : does it make a difference?
In Alberta Law Review ; Vol. 36 no. 1 1997 : 9-45

Robinson, Cathy

Title: Reconciliation in troubled waters? : Australian oceans policy and offshore native title rights.
In Marine policy ; Vol. 24 2000 : 349-360

Lane, Patricia Margaret

Title: Native title - the end of property as we know it?
In Australian property law journal ; Vol. 8, March 2000: 1-37

Dorsett, Shaunnagh and Shaun McVeigh
Just so : "the law which governs Australia is Australian law"

In Law and Critique ; Vol. 13, 2002 : p. 289-309

Native Title: right to negotiate

Foley, Tony

Title: Negotiating resource agreements : lessons from ILUAs.
In Environmental and planning law journal; Vol. 19, no.4 Aug 2002: 267-276

Land rights: Case studies

Dorsett, Shaunnagh

Title: "Since time immemorial" : a story of common law jurisdiction, native title and the case of Tanistry
In Melbourne University Law Review ; Vol. 26, 2002 : p. 32-57

Prescott, J. R. V. and Stephen Davis

Title: Aboriginal claims to seas in Australia.
In International Journal of Marine and Coastal Law ; Vol. 17, no. 1 Jan 2002 : 1-31

Indexes, directories and guides:

Kinnane, Stephen, and Lauren Marsh, Jenny Mogridge and the Mogumber Heritage Committee

Title: Moore River history data-base [electronic resource]
Publication info: 1999-2004

Elkner, Cate

Title: Exploring Koorie records at PROV [Public Records Office Victoria]
In PROactive, No. 32 (Sept 2004): 8
<http://www.prov.vic.gov.au/publins.htm#proactive>

Stone, Caitlin

Title: Researching Native Police Corps records at PROV [Public Records Office Victoria]
In PROactive, No. 32 (Sept 2004): 10
<http://www.prov.vic.gov.au/publins.htm#proactive>

Gibson, Jen

Title: Some Oodnadatta genealogies / Jen Gibson with assistance from community members and friends [...]
Publication info: Bridgewater, S.A. : Oodnadatta Aboriginal Housing Soc. and Jen Gibson, 1987.

NOTE: There are restrictions on this item.

Land acquisition and land management

De Lacey, Ralph

Title: The small miner and native title

Publication info: Hartwell, Vic. : Sid Harta, 2004.

George, Melissa (Melissa-Leigh) and Helen Ross, James Innes and CRC Reef Research Centre

Title: Managing sea country together : key issues for developing co-operative management for the Great Barrier Reef World Heritage Area

Publication info: Townsville, Qld. : CRC Reef Research Centre, 2004.

Economics and policy

McCann, Laura

Title: Induced institutional innovation and transaction costs: the case of the Australian National Native Title Tribunal

In Review of Social Economy ; Vol. 62, no. 1 Mar 2004 : p. 69-82

Lane, Ruth and Gordon Waitt

Title: Authenticity in tourism and native title : place, time and spatial politics in the East Kimberly

In Social & Cultural Geography ; Vol. 2, no. 4 2001 : p. [381]-405

Native Title – Coexistence

Crawley, Amanda and Amanda Sinclair

Title: Indigenous human resource practices in Australian mining companies : towards an ethical model

In Journal of Business Ethics ; Vol. 45, 2003 : p. 361-373

NATIVE TITLE RESEARCH UNIT PUBLICATIONS

Land, Rights, Laws: Issues of Native Title

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

Volume 2

No. 30 *The Recognition Level of the Native Title Claim Group: A Legal and Policy Perspective*

Daniel Lavery

No. 29 *An Anthropological Perspective on Writing for the Court*

Katie Glaskin

No. 28 *Promoting Economic and Social Development through Native Title*

The Aboriginal and Torres Strait Islander Social Justice Commissioner

No. 27 *Practical Reconciliation, Practical Re-Colonisation?*

Professor John Borrows

No. 26 *Agreeing to Terms: What is a 'Comprehensive' Agreement?*

Dr. Stuart Bradfield

No. 25 *Native Title and Agreement Making in the Mining Industry: Focusing on Outcomes for Indigenous Peoples*

Professor Ciaran O'Faircheallaigh

No. 24 *Beyond Yorta Yorta*

John Basten QC

No. 23 *Indigenous Pueblo Culture and Tradition in the Justice System: Maintaining Indigenous Language,*

Thought and Law in Judicial review'

Christine Zuni Cruz

No. 22 *'Abandonment' or Maintenance of Country? A Critical Examination of Mobility Patters and Implications for Native Title*

Dr. Peter Veth

MONOGRAPHS

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

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

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

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

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

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

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

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

ABOUT THE NATIVE TITLE RESEARCH UNIT

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