

Native Title Newsletter

November/December, No. 6/2007

WHAT'S NEW

The **Native Title Conference** will be held at the Perth Convention Centre, 3-5 June 2008.

The NTRU is now calling for papers.

CONTENTS

Regional PBC workshop in the Torres Strait.....	2
National Parks Initiative and Native Title.....	3
Case Note.....	4
NTRU Report.....	6
What's New.....	6
Native title in the News	10
Applications Lodged with the Federal Court	15
Registration Test Decisions	16
Applications Currently in Notification	16
Indigenous Land Use Agreements (ILUAs).....	17
Native Title Determinations.....	18
Items in the AIATSIS Catalogue	18



Regional PBC workshop in the Torres Strait

By James Akee, Chairperson, Mer Ged Kem Le (TSI) Corporation

A meeting of Torres Strait Prescribed Bodies Corporate (PBCs) was held on Thursday Island from December 4-6.



Representatives of Prescribed Bodies Corporate (PBCs) at a meeting of the Torres Strait PBCs on Thursday Island.

PBCs are the corporations established to hold and manage native title following a native title determination under the *Native Title Act 1993* (Cth).

The PBCs were welcomed to the meeting by the Chairman of the Kaiwalagal Aboriginal Corporation with the meeting providing a rare opportunity for PBCs to come together to discuss their roles and responsibilities in relation to their communities and land and sea country.

While there is a significant investment in native title processes to arrive at determinations and to establish

PBCs, PBCs then have little or no resources to carry out their statutory functions under the NTA.

This lack of funding is also a problem for Government agencies and other stakeholders who are required to work with PBCs.

A major concern for PBCs is the lack of recognition of and respect for their critical status as native title holders and the lack of consultation with PBCs. This has been particularly problematic for PBCs in recent discussions about local government reforms and the amalgamation of local shire councils, in which they feel they have not been included and their status recognised.

PBCs wish to meet directly with relevant Government Ministers and will consider the legal issues involved in the transfer of land (DOGIT) and assets.

Seriako Stephen, the Chairperson of the Ugar Ged Kem Le Zeuber Er Kep Le (TSI) Corporation said: 'We need the state government to publicly explain to traditional owners the transition from local government to regional government. Because we haven't given our consent, and have not been thoroughly consulted on this transition process, we, as traditional owners, want to know how our traditional lands will be managed and we want to be involved in that process.'

The meeting recommended that a Torres Strait summit be held to discuss regional governance and the role of PBCs and traditional owners in governance arrangements and local government reforms.

PBCs also decided to establish a peak body and considered the relationship of such a body to any regional PBC which might be established in relation to the sea claim which is currently proceeding. PBCs also discussed their roles and responsibilities in relation to developing good local governance for each of their PBCs as important building blocks in realising their aspirations.

Fred Joe, of the Mualgal TSI Corporation, noted that 'We need to review our constitution so that will guide us and made us strong. We need the commitment and motivation of our members to have a strong PBC to look after the future of our islands.'

PBCs were provided with a range of information at the meeting about potential sources of Commonwealth and State Government funding by Department representatives.

PBCs noted however, that to make the necessary submissions for funding, they require administrative assistance and resources. PBCs will continue to meet to build on the discussions and issues identified in this meeting with the next meeting proposed for early 2008.

Native Title and Ecology

By Jessica Weir, Research Fellow, NTRU

At the AIATSIS Conference 2007, NTRU research fellow Jessica Weir convened the session 'Native Title and Ecology: political/legal transformations and sustaining ecologies' to discuss the management of native title lands. Gunditjmarra Elder Kenny Saunders and Andy Govanstone from the Victorian Department of Sustainability and Environment presented on the re-activation of the eel fishery on Gunditjmarra native title lands. Projects currently being undertaken include a Kooyang (Eel) Aquaculture Feasibility Study, biodiversity benchmarking study of Lake Condah and Darlots Creek, the Lake Condah water restoration project, and sustainable tourism. Jessica gave a paper on the fundamentally different conceptualising behind environmental management vis a vis caring for country. These two approaches have a lot of common ground, as evident in Indigenous peoples' targeted engagement with environmental management institutions and programs, however the different conceptual approaches make such collaborations a complex engagement. A third paper was prepared for the session by Benjamin Richard Smith from the Australian National University, discussing how decisions about how best to recognize Aboriginal traditional and customary connection to country have articulated with different contemporary relationships between 'home' and 'diaspora' families and

the country with which they identify, leading to a series of conflicts which have focused on competing plans for management of particular homelands. The papers are now being re-drafted as part of a forthcoming publication about native title and ecology.

National Parks Initiative and Native Title

Department of Environment and Conservation, Western Australia

In November 2007, the State Government welcomed Western Australia's twenty-first native title determination. The determination, over the largest claim in the Kimberley region, recognised that the Ngurrara claimants hold native title over about 76 000 square kilometres of land. It was the thirteenth such consent determination negotiated by the Gallop and Carpenter Labor Governments and put Western Australia at the forefront of native title in Australia.

There is a strong interest by Aboriginal people in being involved in the management of conservation lands and strengthening cultural ties with the land.

Working together with Aboriginal people to care for the land is beneficial to the preservation of natural and cultural heritage, as well as enriching cross cultural awareness.

The State Government is supportive of joint management arrangements for many parts of the conservation estate with traditional owners, particularly in terms of reconciliation and providing long-term secure employment for Indigenous Western Australians.

The integration of traditional land management practices is critical to managing sensitive areas, including in the arid zone such as the Goldfields and Pilbara and in the tropical Kimberley region.

For these reasons the State Government continues to work towards the development of a policy and possible amendments to the *Conservation and Land Management Act 1984 (WA)*, which might enable joint management arrangements on conservation and Aboriginal-held lands, irrespective of the status of native title.

The management of the State's conservation lands and waters by the Department of Environment and Conservation (DEC) is providing new training and employment opportunities for Aboriginal people throughout the State.

Partnerships with Aboriginal communities demonstrate a commitment to work together with Aboriginal people to achieve long-term, sustainable outcomes for Aboriginal people and also for conservation, particularly in the booming Kimberley region.

The State Government, through DEC, will continue to work closely with other Government and non-Government organisations to ensure its training and employment strategies contribute towards the process of reconciliation and the recognition by natural resource managers that Aboriginal people have much to offer.

Case Note

Gudjala People 2 v Native Title Registrar [2007] FCA 1167

By Tran Tran, Research Officer,
NTRU

Registration is the preliminary threshold that must be satisfied before claimants can advance a native title claim. In order to be registered, parties need to satisfy both section 190B, which deals mainly with the merits of the claim and section 190C, which deals with procedural and other matters. The *Gudjala People 2 v Native Title Registrar*¹ decision involved an application for review of a decision by the Native Title Registrar not to accept an application

for registration. In reaching his decision, Justice Dowsett considered the requirements of the NTA to register a decision. His Honour focused on the content of the application and in particular:

- how the persons in the native title claim group are named in the application; or whether the persons in that group are described sufficiently clearly so that it can be ascertained whether any particular person is in that group.²
- Whether the description or list of the claim group is sufficient to allow the native title rights and interests claimed to be readily identified.
- Whether the factual basis on which it is asserted that the native title rights and interests claimed exist is sufficient to support the assertion. In particular:
 - that the native title claim group have, and the predecessors of those persons had, an association with the area; and
 - that there exist traditional laws acknowledged by, and traditional customs observed by, the native title claim group that give rise to the claim to native title rights and interests;
 - that the native title claim group have continued to hold the native title in accordance with those traditional laws and customs; and
 - that at least one member of the native title claim group currently has or previously had a traditional physical connection with any part of the land or waters covered by the application; or previously had and would reasonably have been expected currently to have a traditional physical connection with any part of the land or waters but for things done (other than the creation of an interest in relation to land or waters) by the Crown, statutory authority or lease holder.

The claimants argued that:

the fact that their application satisfied the Delegate in 2005 with respect to the same group, for the same country with the same traditional laws and customs represented by the same individuals as Applicant contributes to the unfairness of the decision that in the following

¹ [2007] FCA 1167.

² NTA, s 62(2)(d).

year – without reference to a cogent or relevant reason for a changed opinion and on erroneous bases, the decision was that the registration test conditions were not satisfied.³

However, Dowsett J said that the Registrar was bound by their statutory duty rather than a previous decision. He noted that ‘the decision to accept or reject an application is a purely administrative function, the decision depending upon whether or not such application satisfies the prescribed criteria’.⁴ His Honour rejected the idea that ‘because of the previous acceptance of Core Country Claim [which involved the same claimants and a similar factual scenario] such an obligation may have arisen’.⁵ Further he noted that even though there may be an error in decision making this may not necessarily deny the applicant procedural fairness. Dowsett J noted that the role of the Registrar is administrative and concluded that the obligation to refer to a salient fact is beyond the scope of this role.

His Honour went on to consider the areas that were not satisfied, namely s 62(e), 190B(5) and subs 190B(3), the identification of the claim group and 190B(7), physical connection. In terms of the identification of the claim group the parties had submitted that membership was determined based on physical, spiritual and religious association, genealogical descent and processes of succession and then proceeded to list apical ancestors of which, the ‘native title claim group is comprised of all persons descended from’.⁶ Justice Dowsett questioned the logic of this description:

it is curious that laws and customs concerning physical, spiritual and religious association, genealogical descent and processes of succession should lead to the outcome that only people who have ‘communal native title’ in the area are the descendants of four apical ancestors. One would have thought it more likely than not that some such descendants, although satisfying the laws relating to genealogical descent, would fail in connection

with physical, spiritual and religious association and/or processes of succession.⁷

Justice Dowsett found that even though membership of the claim group was asserted there was no evidence of the traditional laws and customs upon which membership was to have been based. His Honour did not encourage this approach but found that it was sufficient that the group was adequately identified by reference to apical ancestors. This suggests that when providing a description of the claim group claimants should opt to provide one accurate description rather than two potentially conflicting descriptions that may be rejected by the Registrar. More importantly Justice Dowsett noted that:

In some cases it will be convenient to describe the claim group by referring to particular people, either by name or, as in this case, by reference to apical ancestors. In other cases, it may be done by describing the relevant requirements of law and custom which must be satisfied in order that a particular person share in the claimed rights and interests. Identification of the claim group, the claimed rights and interests and the relationship between the two are not totally independent processes.⁸

His Honour proceeded to consider whether the claimants had shown that there was an association with the claim area. In particular, His Honour considered the principles of *Yorta Yorta* noting the legal principles that arose from that case. After considering the factual basis for claimed Native Title His Honour concluded that the overlaps in the claim area were not adequately explained and that the application had failed to explain how, by reference to traditional law and customs presently acknowledged and observed, the claim group is limited to descendants of the identified apical ancestors. Dowsett J also noted that no basis was shown for inferring that there was, at and prior to 1850-1860, a society which had a system of laws and customs from which relevant existing laws and customs were derived and traditionally passed on to the existing claim group. His Honour ultimately found that the claim should not be accepted for registration.

³ [13].

⁴ [15].

⁵ [15].

⁶ [28].

⁷ [33].

⁸ [41].

NTRU Report

Native Title Conference 2008

The upcoming conference is focused on how native title can recognise and strengthen the fabric of Indigenous nations. This year's theme is *Koora, Yirra, Boordah* meaning, 'past, present, future'. Sub themes include:

- developing young leaders
- women's perspectives on native title
- economic development
- land management
- partnerships
- negation, mediation and conflicts
- collective enterprise and private wealth
- a national voice
- Indigenous representation
- Governance
- Government and native title
- Reconciliation

The conference will be held at the **Perth Convention Centre, 3-5 June 2008**. The NTRU is currently calling for conference papers. Please send submissions to ntru@aiatsis.gov.au, or email us if you have any further queries.

Staffing

Kerry Kennell, has joined the NTRU as a part of the Aurora program. She is a Torres Strait Islander and comes from Griffith University, in Queensland. Kerry has interests Indigenous people and the law, especially, native title and property law. She has previously worked with local government in Victoria and is currently starting her fourth year law degree.

What's New

Reforms and Reviews

ABARE, 2007 Torres Strait Islanders: Improving their Economic Benefits from Fishing, ABARE Research Report 07.21

ABARE was commissioned by the Fisheries Resources Research Fund to undertake a survey of fishers in the Torres Strait to examine this perception and to identify ways in which Torres Strait Islander fishers could obtain higher economic benefits from commercial fishing.

NSW Auditor General's Report 2007 Department of Lands. Aboriginal Land Claims

The NSW Auditor General has recommended that the Department reduces the time taken to process Aboriginal Land claims. The Department investigates aboriginal land claims made under the *Aboriginal Land Rights Act 1983* (NSW). It has been recommended that the Department reduces the time taken to transfer legal title to successful Aboriginal Land claimants. The Crown Leaseholds entity has \$1.0 billion of land granted to Aboriginal Land claimants that has not been transferred due to the absence of legal title. Legal title cannot pass until the land has been surveyed and details recorded on the State's Digital Cadastral Database so that formal title can be issued in the name of the relevant local Aboriginal Land Council. Until legal title passes, claimants cannot fully access or use the land. Based on current survey resourcing capacity, it may take more than 20 years before all current granted claims are cleared.

Recent Cases

Australia

Authorisation

Anderson v State of Western Australia [2007] FCA 1733

Justice French considered a motion to amend a native title application to replace the existing applicants. His Honour considered evidence of the authorisation meetings, how participants were selected, given notice and the resolutions that were reached. Justice French noted that there were both targeted and general attempts made to locate the descendants of the apical ancestors of the claim group and was satisfied that there was no traditional decision making process under traditional law and custom that must be complied with. His Honour accepted that a process of majority decision making was agreed to and adopted by a sufficiently representative section of the native title claim group for the purpose of dealing with matters arising in relation to the application.

Button Jones (on behalf of the Gudim People) v Northern Territory of Australia [2007] FCA 1802

This is one of 55 applications for the determination of native title under s 61 of the Act which have been the subject of advice by the Native Title Registrar (the Registrar) under s 66C of the Act. To explain the significance of that advice, it is necessary to refer to s 66C and s 94C of the Act. The full list of 55 applications (there is one duplication) is contained in the advices of the Registrar.

Claim of right

Mueller v Vigilante [2007] WASC 259

This case considered whether a claim of right under s 22 of the *Criminal Code* (WA) was available to third parties. This particular case involved a non-Indigenous Senior Coastal Officer for the Kimberley Land Council. He was fishing with two Indigenous boys at the time when he was charged for catching undersized crabs. It was found that, although there was no occasion for them to formally exercise it, the boys, by reason of their status as Aborigines, had a claim of right to the undersized crabs that were in the possession of the respondent. The respondent's possession of the undersized crabs was no more than an incident of the possession of the persons who had a claim of right to possess.

Consent determinations

Trevor Close on behalf of the Githabul People v Minister for Lands [2007] FCA 1847 -

Native title consent determination.

Walker on behalf of the Eastern Kuku Yalanji People v State of Queensland [2007] FCA 1907 (9 December 2007)

Determination for Eastern Kuku Yalanji People.

Costs

Gumana v Northern Territory of Australia (No 2) [2007] FCAFC 168

Judgment on costs.

Joinder

Akiba and Others on behalf of the Torres Strait Regional Seas Claim People v State of Queensland (No 3) [2007] FCA 1940 (7 December 2007)

Application for review of Registrar's decision dismissing a joinder motion made by a national of Papua New Guinea asserting family and historical links to claim area as well as ownership of reefs, seas and waters. The motion was dismissed. It was found that no basis for assertion was disclosed and that there was no identification of area in which ownership is asserted.

Native title claim group

Que Noy v Northern Territory of Australia [2007] FCA 1888

This case involved a motion under s 66B involving the Fish River Claim and the Douglas North Claim and the approval of terms under which access is to be given for the proposed Wadeye to Ban Ban Springs pipeline running through the two claim areas. There was a dispute between Majorie Foster and the other applicants over the terms of the agreement. Ms Foster represented

the Kamu people who, combined with the Wagiman and Warai were the claim group. Justice Mansfield found that in asserting that she was the sole authority on behalf of the claim group, Ms Foster had exceeded the authority given to her by the claim group. Accordingly, she was removed as applicant for the claim. However Justice Mansfield noted that she remains a members of the native title claim group and her family will continue to recognise and refer to her as a senior Kamu person.

Parry v Northern Territory of Australia [\[2007\] FCA 1889](#)

Case involved a motion under s 66B of the *Native Title Act 1993* (Cth) by certain members of the native title claim group to replace Marjorie Foster, one of the persons comprising the current 'applicant' with her daughter, Margaret Foster and with Arthur Que Noy. In reaching his decision, Justice Mansfield made reference to the decision of *Que Noy v Northern Territory of Australia* [\[2007\] FCA 1888](#) (the Douglas North claim). For similar reasons he found that evidence from the anthropologist, Kim Barber removed the authority of Majorie Foster to make the application.

Procedural decisions

Allison v State of Western Australia [\[2007\] FCA 1969](#) (12 December 2007)

By an amended notice of motion filed on 31 August 2007, with five named persons ('the Movers') seeking orders for access to certain documents. The motion has been filed in native title proceedings known as the Wanmulla / Sir Samuel claim ('Sir Samuel 2 Claim'). The Sir Samuel 2 claim relates to an area in the north-west Goldfields region of Western Australia, located between Wiluna and Leinster

Respondent applications

Commonwealth of Australia v Clifton [\[2007\] FCAFC 190](#) (6 December 2007)

Respondent to an application for a native title determination seeking a determination of native title.

The respondent was not authorised by native title claim group as required by s61 of the Act. The Court reiterated that it can only make a determination of native title in favour of a person who has made an application under s13 of the Act and emphasised the significance of the statutory requirement that a determination of native title must be made in accordance with the procedures of the Act.

Rights and interests

Griffiths v Northern Territory of Australia [\[2007\] FCAFC 178](#)

Involved an appeal concerning three claims heard together: the first filed by the Ngaliwurru and Nungali Peoples claim over a parcel of land in the Tennant Creek township and the second filed by Alan Griffiths and William Gulvin as protective responses to the notices issued by the Northern Territory Government of a proposed compulsory acquisition. A third claim was filed by the same applicants over other lots covered by a Special Purpose Lease owned by the Conservation Land Corporation.

In the initial decision, handed delivered on 17 July 2006 it was held that that Ngaliwurru and Nungali Peoples had established that they had native title rights and interests in the claim area but this does not include exclusive rights to possession, occupation, use and enjoyment. An appeal was lodged arguing that the rights and interests possessed under traditional laws and customs acknowledged and observed by the native title holders conferred possession, occupation, use and enjoyment of the determination area. The Northern Territory Government filed a cross appeal that the laws and customs asserted were not traditional. The appeal was allowed and the determination amended to reflect the broader rights and interests recognised.

In reaching their decision, Justices, French, Branson and Sundberg considered the criteria for exclusivity and the classification of rights and interests. They also noted that the a change from patrilineal to cognatic descent does not negative continuity.

Strike out applications

Kite v State of South Australia [\[2007\] FCA 1662](#)

Involves an application by the State of South Australia that the claim of John Gilbert Kite, be struck out or else be summarily dismissed. Justice Finn found that the Mr Kite's application was flawed in a number of respects. His Honour noted that there were substantial ambiguities and contradictions between the evidence and submissions made during the hearing. Justice Finn also found that even though the evidence suggests that the claim group members were authorised to make the claim in accordance with traditional law and custom, there was some doubt as to the rights of the community of descendants advancing the claim. His Honour found that the claim 'may well owe more to concepts drawn from common law conceptions of property than from traditional laws and customs'. His Honour also expressed doubts as to the actual composition of the claim group itself.

Tax and trusts

Shire of Derby-West Kimberley v Yungngora Association INC [\[2007\] WASCA 233](#)

Involves an appeal from a decision of the State Administrative Tribunal to grant the Yungngora Association Inc an exemption from an obligation to pay rates on the basis that the land was used exclusively for a charitable purpose. The association holds land including the Noonkanbah pastoral station and has been endorsed as a charitable organisation providing housing, schooling and facilities for the local community. The shire had argued that the charitable purpose of the station was incidental to its commercial purpose. However the tribunal had found that the land was charitable, being to improve the economic position, social condition and traditional ties to the Land of the local Indigenous community. However on appeal it was found that the tribunal had erred in law by focusing on the benefits of the pastoral enterprise rather than the use to which the land was actually put. It was noted that the 'land is not used for charitable purposes where the land is used for

the purpose of raising funds for charitable purposes'. The Court held that the 'benefits to the community and its members are not sufficient for a finding that the Land is used exclusively for charitable purposes'.

International

Tsilhqot'in Nation v. British Columbia, [2007 BCSC 1700](#)

Case involved an application seeking a declaration of Tsilhqot'in Aboriginal title in a part of the Cariboo-Chilcotin region of British Columbia defined as Tachelach'ed (Brittany Triangle) and the Trapline Territory. The plaintiff also sought a declaration of Tsilhqot'in Aboriginal rights to hunt and trap in the Claim Area and a declaration of a Tsilhqot'in Aboriginal right to trade in animal skins and pelts. In reaching its conclusion, the court noted that:

I have come to see the Court's role as one step in the process of reconciliation. For that reason, I have taken the opportunity to decide issues that did not need to be decided. For example, I have been unable to make a declaration of Tsilhqot'in Aboriginal title. However, I have expressed an opinion that the parties are free to use in the negotiations that must follow.

Belize Supreme Court Claims Nos. 171 and 172 of 2007 (Consolidated) re Maya land rights

Determination finding that the 'claimants Villages of Santa Cruz and Conejo and their members hold, respectively, collective and individual rights in the lands and resources that they have used and occupied according to Maya customary practices and that these rights constitute 'property' within the meaning of sections 3(d) and 17 of the Belize Constitution.'

Native title in the News

National

06-Nov-07 **NATIONAL Coast grants open** Community groups involved in protecting and rehabilitating regionally significant sites along the South West coastline can apply for grants under the South West Coast Action program. Funds are available to groups including local governments and State Government agencies, Aboriginal land and water councils and private owners of coastal lands. *Harvey-Waroon Reporter* (Harvey, 6 November 2007), 7.

07-Nov-07 **NATIONAL Land use deals rise** Indigenous land-use agreements, covering more than 11 per cent of the country have doubled in the past two years. *Adelaide Advertiser* (Adelaide, 7 November 2007), 35.

14-Nov-07 **NATIONAL Indigenous leasing Bill approved** Queensland's State Cabinet has approved draft legislation 'paving the way for Aboriginal and Torres Strait Islander Land to be converted to 99-year residential and commercial leases'. *Courier Mail* (14 November 2007), 17.

New South Wales

15-Nov-07 **NSW Traditional owners win 13-year fight for native title** Thirteen years after they lodged their first claim, a group of Wiradjuri people from Wellington in NSW have won their battle to have a 183-hectare parcel of land returned to traditional owners. It is the first native title claim in NSW that has resulted in a group of claimants winning resaleable and leasable freehold land. *Sydney Morning Herald* (Sydney, 15 November 2007), 5; *Daily Liberal* (Dubbo, 15 November 2007), 7; *Wellington Times* (Wellington, 16 November 2007), 1; *Koori Mail* (National, 21 November 2007), 3.

29-Nov-07 **NSW Call to cut time for land claims** More than \$1 billion worth of land has been granted to Aboriginal people in NSW but not transferred because the Lands Department processes are so slow'. The NSW Department of Lands has been urged to reduce the time

taken to process Aboriginal land claims, with a large number of claims unresolved more than a decade after they were lodged'. 'The land has been successfully claimed by indigenous people under the NSW Aboriginal Land Rights Act'... 'But the legal title over the land cannot be transferred until it is surveyed and its details recorded on the states Digital Cadastral Database. *Western Advocate* (Bathurst, 29 November 2007), 13; *Daily News* (Tweeds Heads, 29 November 2007), 3; *Sydney Morning Herald* (Sydney, 20 November 2007), 8.

30-Nov-07 **NSW Native title deal ratified** The Largest native title deal ever stuck in NSW has given the Githabul people claim to more than 112,000 hectares of national parks and state forests in the states north'. The claim covers more than nine national parks and state forests and it took over 12 years to complete. *Western Advocate* (Bathurst, Friday 30 November 2007), 6; *Daily Telegraph* (Friday 30 November 2007), 17; *Northern Daily Leader* (Tamworth, Friday 30 November 2007), 9; *Northern Star* (Lismore, Friday 30 November 2007), 7; *Sydney Morning Herald* (Friday 30 November 2007), 3; *Daily News* (Tweeds Heads, Friday 30 November 2007), 10; *Canberra Times* (Friday 30 November 2007), 2.

01-Dec-07 **NSW Native rights honoured** The Federal Court came to Wondenbong to officially recognise the Githabul people's native title rights over nine national parks and 13 State forests. The determination recognises the 'Githabul people's non-exclusive rights to practice their traditional laws and customs on 1120 square kilometres of land'. *Coffs Coast Advocate* (Coffs Harbour, 1 December 2007), 18; 'Goories get land victory' *Daily Examiner* (Grafton, 1 January, 2007), 4; 'Hard slog leads to land win' *Koori Mail* (National, 5 December 2007), 3; 'Win for Githabul nation' *Tenterfield Star* (Tenterfield, 6 December 2007), 1; 'Native title claim on parts of shire' *Beaudesert Times* (Beaudesert, 12 December 2007), 15.

13-Dec-07 **NSW Marina falls into place** The NSW Lands Department has approved a riverbed lease for the Chinderah Bay marina to house finger wharves but a Native Title claim on the riverbed is still before the Federal Court which has prevented the marina from going ahead. *Tweed Sun* (Tweed Heads, 13 December 2007), 4.

20-Dec-07 **NSW Signing Ceremony with Narrabri Coal a proud day for Gomeri people** Representatives from the Gomeri community and Narrabri Coal have formalised

an agreement between the parties that 'acknowledge the Gomerioi people as traditional owners of land now being developed for the proposed coal mine new Turrawan'. *Narrabri Courier* (Narrabri, 20 December 2007), 2.

Northern Territory

01-Nov-07 NT **Central Australia mine pact signed** A mining agreement between Aboriginal people and a mining company has been signed. Construction of the Molyhil Tungsten-Molybdenum project, north east of Alice Springs is expected to begin in April 2008. The agreement was negotiated between the Central Land Council acting on behalf of the Eastern Arrernte native title holders. *Countryman* (Western Australia, 1 November 2007); 16; *National Indigenous Times* (National, 1 November 2007), 6.

26-Nov-07 NT **Rush leases on Tiwi land** Five long-term leases are to be created on the Tiwi Islands, local residents are moving to 'follow the lead of the nation's first 99 year lease on Aboriginal land.' After years of negotiation 'traditional owners on the Tiwi Island community of Nguiu earlier this year agreed to lease the township for 99 years to boost economic development and individual home ownership.' *Australian* (National, 26 November 2007), 14.

28-Nov-07 NT **Court strips elder of native title rights** Traditional owner Marjorie Foster from Kamu has lost a court battle with the Northern Land Council (NLC). Ms Foster 'wanted to negotiate a gas pipeline deal for her land without NLC involvement. A Court also ordered 'Ms Foster be removed as a native title claimant to her county. The decision was handed down in the Federal Court by Justice John Mansfield. *Northern Territory News* (Darwin, 28 November 2007), 4.

28-Nov-07 NT **Exclusive access** Timber Creek traditional owners have been 'granted exclusive access to vacant crown land in the town area'. Justice Robert French upheld the appeal against 'an earlier Native Title judgement granting traditional owners non-exclusive access'. The Northern Territory government will need to decide whether or not to proceed to the high court. *Katherine Times* (Katherine, 28 November 2007), 9.

01-Dec-07 NT **Consent mightier than litigation** Justice Mansfield handed down a consent determination at a

special sitting in Alice Springs. An Indigenous Land Use Agreement was signed immediately between traditional owners and the Northern Territory government which allows for 'native title recognition as well as extinguishment and compensation over some areas and enables native title issues to be dealt with over the entire area'. The agreement will benefit '200 Warumungu native title holders from the Patta estate group. *Mining Chronicle* (National, December 2007), 79.

01-Dec-07 NT **NLC chief ends his term** Norman Fry has ended his term as executive of the Northern Land Council. Incoming chairman Wali Waunungmurra praised Mr Fry saying his 'service occurred during the most difficult years for land rights in the NLC's history, however his uncompromising commitment to both land rights and economic development outcomes means that the NLC is well placed for the future'. *Northern Territory News* (Darwin, 1 December 2007), 23.

04-Dec-07 NT **Blue Mud Bay case enters appeal** The Blue Mud Bay has been heard in the High Court. The Northern Territory government is 'fighting the Federal Court's decision in the Blue Mud Bay land rights case, which granted ownership of tidal waters to Aboriginal land owners'. It argued that the Federal Court 'went too far in its interpretation of the federal Aboriginal Land Rights Act, which predates native title law and governs most indigenous land ownership in the Northern Territory'. Blue Mud Bay elder Djambawa Marawali said that the waters are a 'crucial part of his people's culture, with tidal sites woven into sacred "songs and patterns". The Northern Land Council is representing the traditional owners and says that there is no intention to stop commercial or recreational fishing and that 'Aboriginal people could use the water rights to develop an economic base for communities'. *Northern Territory News* (Darwin, 4 December 2007), 4; 'NT fights coast rights judgment' *Age* (Melbourne, 5 December 2007), 9; 'Legal catch in the right to fish' *Australian* (National, 5 December 2007), 9; 'Traditional owners head to the high court' *Cairns Post* (Cairns, 5 December 2007), 16; 'Land Fight enters uncharted waters' *Canberra Times* (Canberra, 5 December 2007), 2; 'Traditional owners fill High Court' *Northern Territory News* (Darwin, 5 December 2007), 4; 'Rising tide of fishermen arrive to hear landmark court ruling' *Sydney Morning Herald* (Sydney, 5 December 2007), 7; 'Blue Mud Bay Case challenge' *Northern Territory News* (Darwin, 6 December 2007), 6.

11-Dec-07 NT **Ideology' drove intervention** Former Federal Court judge Ron Merkel will be representing traditional owner Reggie Wurrildjal and the Bawinanga Aboriginal Corporation 'challenging the key elements of the invention including the commonwealth's five year acquisition of land and its ability to seize assets of indigenous corporations'. The case will be heard in March. *Australian* (National, 11 December 2007), 2.

18-Dec-07 NT **Kamu elder appeals for her native title rights** Kamu traditional owner Majorie Foster who 'lost a court battle with the Northern Land Council has lodged an appeal with the Federal Court'. Ms Foster claimed that the Northern Land Council 'ignored her wishes to conduct her own negotiations over a planned gas pipeline to run through Kamu Island'. *Northern Territory News* (Darwin, 18 December 2007), 8.

23-Dec-07 NT **Crown land appeal** The Northern Territory Government has 'sought leave to appeal against a native title ruling giving traditional owners exclusive access to vacant crown land' in Timber Creek. The ruling 'was seen as a test case for other towns'. *Sunday Territorian* (Darwin, 23 December 2007), 7.

Queensland

05-Nov-07 QLD **Construction begins on East Point development** The construction on the \$250 million East Point development has started. For the past 15 years the Project has been subjected to native title and conservation group claims and protests 'even after the Planning and Environment Court granted conditional development.' The protests still continue. *Daily Mercury* (Mackay, 5 November 2007), 7.

03-Dec-07 QLD **Islanders poised to oppose merger** The failure of the Queensland government to 'properly consult with traditional owners of 15 communities in the Torres Strait could derail its ambitious plan for one super council in the region'. The Badu Island council has received legal advice 'suggesting the community could seek a judicial review of the Government's announced intention to transfer the island's deed of grant in trust - along with the ownership of \$35.5 million worth of community enterprises built on the land - to the

proposed new Torres Strait Island Regional Council'. *Courier Mail* (Brisbane, 3 December 2007), 14.

04-Dec-07 QLD **MOU spells cooperative approach** A native title claim over 8440 square kilometres of land 'around the Fraser Coast will move a step closer to resolution' after the signing of a memorandum of understanding between the Hervey Bay, Maryborough, Tiaro and Woocoo councils and Wide Bay Water corporation and the Butchalla people. The parties have agreed to 'explore opportunities to settle the claims including negotiating an indigenous land use agreement'. *Fraser Coast Chronicle*, (Hervey Bay, 4 December 2007), 5; 'Progress on native land' *Courier Mail* (Brisbane, 6 December 2007), 27.

04-Dec-07 QLD **Land deal affects 65% of state** A new land deal will extend leases to graziers if they 'improve the condition of their land' forming a part of a 'national emissions trading scheme'. Under the agreement, leases of up to 50 years will be 'offered to farmers who conserve high value environmental areas and reach access agreements with local indigenous people'. *Morning Bulletin* (Rockhampton, 4 December 2007), 2; 'Bligh signing land deal for farmers' *Townsville Bulletin* (Townsville, 4 December 2007), 2; 'Farmers urged to care for land' *Queensland Times* (Ipswich, 6 December 2007), 14.

06-Dec-07 QLD **New native title deal largest ever** A hearing will ratify an agreement reached between the Kuku Yalanji traditional owners and the Queensland government. The agreement covers approximately 230 000ha of land in the Douglas and Cook Shires and recognises the 'Eastern Kuku Yalanji people's native title rights and regulates the exercise of native title rights in national parks and other areas'. The consent determination was made by the Federal Court in a special sitting in Cape Tribulation. The agreement also 'provides for parts of the Cow Bay area to become a nature refuge, a beach protection reserve and a reserve for recreational purposes'. *Port Douglas and Mossman Gazette* (Port Douglas, 6 December 2007), 3; 'Title triumph as heritage land is returned' *Australian* (National, 10 December 2007), 9; 'Native title granted' *Australian Financial Review* (National, 10 December 2007), 4; 'Native title deal' *Cairns Post* (Cairns, 10 December 2007), 2; 'Title rights granted' *Canberra Times* (Canberra, 10 December 2007), 2; 'Native title agreement reached in Daintree' *Geelong Advertiser* (Geelong, 10 December 2007), 11;

'Native title rights move for Daintree' *Launceston Examiner* (Launceston, 10 December 2007), 12; 'Native title over Daintree' *Newcastle Herald* (Newcastle, 10 December 2007), 17; 'Huge native title win' *Sunday Mail Brisbane* (Brisbane, 9 December 2007), 28; 'Native title for far north jewel' *Sunday Mail Brisbane* (Brisbane, 9 December 2007), 28; 'Ceremony for largest indigenous land transfer' *Cooktown Local News* (Cooktown, 5 December 2007), 6; 'Landmark land deal' *Port Douglas & Mossman Gazette* (Port Douglas, 13 December 2007), 1.

07-Dec-07 **QLD Native Title stakeholders reach historic agreement** Members of the Butchulla Indigenous community signed a memorandum of understanding in the Hervey Bay Botanical Gardens, the MoU resolves two ongoing native title claims over land and water surrounding significant parts of the Wide Bay region. *Hervey Bay City Independent* (Hervey Bay, 7 December 2007), 13.

12-Dec-07 **QLD Court dismisses new sea claim application** An application by a Papua New Guinean pastor to join the Torres Strait Sea Claim has been dismissed by the Federal Court.' The claim over 42,000 sq km of sea between Australia and Papua New Guinea is the first time a court has been asked to consider the interests of foreign nationals in a native title hearing.' Justice Robert French said the evidence 'did not show a "relevant interest".' *Torres News* (Thursday Island QLD, 12 December 2007), 4.

13-Dec-07 **QLD Title win a proud day** The Ngadjon-Jii people have won their 'eight-year battle to have native title rights recognised for national parks and reserves south of Cairns.' Their determination covers more than 13,287ha of land and waters. *Cairns Post* (Cairns, 13 December 2007), 2.

17-Dec-07 **QLD Mayor leads talks on native title application** Native title negotiations between Cairns City Council and Indigenous chains are continuing 'more than 10 years after they started'. The council has 'agreed to delegate the mayor and chief executive officer to negotiate the native title application by the Yidinji, Malanbarra and Dulabed people'. The council has been firm about some aspects of the claim such as 'walking tracks, such as the Mailman Track, that had historical significance and recreational values'. *Cairns Post* (Cairns, 17 December 2007), 2.

19-Dec-07 **QLD Ngadjon-Jii victory** The highest peak in Queensland, Mt Bartle-Frere, has 'been included in a second native title consent determination' which was formalised last week. Justice Spender 'determined the Ngadjon-Jii people held exclusive native title rights and interests to a small island in the Russel River as well as non-exclusive rights to the southern portion of the Wooroonoan National Park, the Topaz Road National Park and the Malanda Falls Conservation Park, along with two other parcels of land.' *Koori Mail* (National, 19 December 2007), 15. *Townsville Bulletin* (Townsville, 13 December 2007), 7. *Sydney Morning Herald* (Sydney, 13 December 2007), 2.

19-Dec-07 **QLD Daintree struggle ends in success** After years of negotiation the Eastern Kuku Yalanji people have officially been recognised for 'native title to their traditional lands between Port Douglas and Cooktown.' The court's decision recognised exclusive native title rights over 30, 300 hectares of unallocated State land. They also had non-exclusive rights recognised on the 96,000ha of timber reserve and lease areas. *Koori Mail* (National, 19 December 2007), 12

20-Dec-07 **QLD Havilah big move** Havilah Resources has signed a native title agreement with a representative of the Adnyamathanha native title claimants which covers its Portia gold project northeast of Broken Hill. The terms of the agreement were confidential but included benefits such as training and employment opportunities. *Gold Coast Bulletin* (QLD, 20 December 2007), 48. *Daily Telegraph* (Sydney, 20 December 2007), 76. *Adelaide Advertiser* (Adelaide, 20 December 2007), 64.

South Australia

20-Dec-07 **SA Mine signing** An agreement has been signed between the Aboriginal Far West Native title Group and mineral sands miner Iluka Resources. The agreement is 'permission from traditional owners for Iluka to proceed with mineral sands mining at its Jacinth-Ambrosia deposit'. In return Iluka will establish a 'charitable trust, funds from which will be used to improve living standards, education and employment opportunities for members of the native title group'. *West Coast Sentinel* (Ceduna, 20 December 2007), 1.

Victoria

23-Nov-07 VIC **Decision 'disgusting' Bangerang upset over rejection** The Bangerang people are 'hurt and disgusted' at their rejection as a Victorian Registered Aboriginal Party (RAP). A State Government body comprising 11 Indigenous members had declined the Bangerang application. *Riverine Herald* (Echuca, 23 November 2007), 2.

30-Nov-07 VIC **Native title for govt solicitors** The 'Victorian Government Solicitor's Office is advising on the state government in relation to the Gunai Kurnai and Jurnai clans' native title claims, both of which have been filed over the same land and waters in Victoria's Gippsland'. The Solicitor's office is preparing for the upcoming early evidence hearings in December this year. *Lawyers Weekly* (National, 30 November 2007), 18.

08-Dec-07 VIC **Traditional owners reach agreement** In an agreement reached between the Dja Dja Wurrung Native Title Group and the State Government, the Victoria police agreed to incorporate Dja Dja Wurrung themes in the complex which has been opened. The complex includes artwork, landscaping and a historical plaque and a welcome to country protocol for official events. *Bendigo Advertiser*, (Bendigo, 8 December 2007), 5.

24-Dec-07 VIC **Council rules for Barengi Gadjin** The Victorian Aboriginal Heritage Council has 'declined Goolum Goolum Aboriginal Cooperative's application for registration as an Aboriginal party'. *Wimemra Mail Times* (Horsham, 24 December 2007), 6.

Western Australia

01-Nov-07 WA **Agreement focuses on Aboriginal people** The Zinifex mining company has reached a tripartite 'agreement between the Waanyi, Mingginda, Gkuthaarn and Kukatj people and the Queensland Government'. The agreement is a document 'continuing to provide compensation, employment, training and business opportunities' to traditional owners. *Mining Chronicle* (National, November 2007), 82.

06-Nov-07 WA **Native Title Recognised in Central Desert** The Ngururrpa people of Western Australia's central desert 'have now got their native title rights recognised less than 12 months after first lodging their claim'. Their determination recognises that 'the

Ngururrpa people have the exclusive native title rights to possess, occupy, use and enjoy certain areas of land'. *Halls Creek Herald* (Regional, 6 November 2007), 7; *Newman Mail* (Perth, 2 November 2007), 3.

10-Nov-07 WA **Kimberly Ruling Huge land title win** The Ngurrara people have been recognised as native title holders 'over an area bigger than Tasmania' in Western Australia's southern Kimberly region. The people can 'own and occupy 76,000 square kilometres of unallocated Crown Land'. *Adelaide Advertiser* (Adelaide, 10 November 2007), 52; *Bendigo Advertiser* (Bendigo, 10 November 2007), 14; *Toowoomba chronicle* (Toowoomba, 10 November), 40; *Daily News* (Tweeds Heads, 10 November 2007), 13; *Fraser Coast Chronicle* (10 November 2007), 12; *Northern Star* (Lismore NSW, 10 November 2007), 66; *Sydney Morning Herald* (Sydney, 10 November 2007), 9; *Barrier Daily Truth* (Broken Hill, 9 November 2007), 6; *Broome Advertiser* (Thursday 15 November 2007), 5; *National Indigenous Times* (Malua Bay, Thursday 15 November 2007), 5; *Halls Creek Herald* (Halls Creek, 20 November 2007), 5; *Koori Mail* (National, 21 November 2007), 15; *Koori Mail* (National, 21 November 2007), 3.

22-Nov-07 WA **Nickel boost for owners** After four years, two companies 'have signed agreements this month with traditional owners over their nickel mining operations near Warmun in the East Kimberly' in Western Australia. Sally Malay Ltd and Thundelarra Exploration Ltd signed co-existence agreements with Kija traditional owners last Wednesday. *Broome Advertiser* (Broome, 22 November 2007), 6; *Kimberley Echo* (Kununarra 22 November 2007), 7.

05-Dec-07 WA **Historic land deal builds joint future** The Kariyarra Mugarinya Joint Venture has signed a 'landmark agreement with Planning and Infrastructure Minister Alannah MacTiernan allocating almost 12 ha of prime residential land in Port Hedland to its traditional owners'. Under the agreement, the 'Kariyarra Mugarinya Joint Venture will acquire Port Hedland land and traditional owners will provide native title clearances for other land development in Port and South Hedland to proceed. *North West Telegraph* (South Hedland, 5 December 2007), 3.

10-Dec-07 WA **Kimberley council meets Woodside on gas project** Woodside has met with traditional owners. Kimberley Land Council executive director Wayne Bergman has said that the meeting was 'aimed at

reopening talks with the traditional owners at the One Arm Point, north of Broome, one of the several sites suggested as possible locations for an onshore plant to process the vast untapped reserves of Browse Basin gas'. Land Council executive member Frank Sebastian said that 'two decades of iron ore and Northwest Shelf gas production further south in the Pilbara region had seen few real benefits flow back to Aborigines'. He said that 'native title rights introduced in the intervening years...had given local people a stronger bargaining position'. *Australian* (National, 10 December 2007), 9; 'Oil and gas groups face Kimberley title claim' *Australian* (11 December 2007), 2.

11-Dec-07 WA **Justice on ancient land** Justice Gilmour has made a determination, at Pirini that native title existed. It does not give the Ngurrara native title but Justice Gilmour said that 'it determines that this is your land...it is based upon your traditional laws and customs and it always has been. The laws say to all people in Australia that this is your land and that it always has been your land'. *Australian* (11 December 2007), 13.

13-Dec-07 WA **Hedland lots handed back to traditional owners** An agreement signed between the Government and the Kariyarra Mugarinya has led to the return of 12ha in Port Hedland to traditional owners. The

agreement is 'designed to make more houses available in Port Hedland and give local Aboriginal people a place in the town's future'. *Farm Weekly* (Western Australia, 13 December 2007), 156.

13-Dec-07 WA **TOs boycott Burrup 'vandalism'** Native title claimants to the Burrup Peninsula in Western Australia said 'they wouldn't have anything to do with Woodside's Energy's "wanton destruction" of ancient West Australian rock art'. The Wong-Goo-Tt-Oo were previously involved in monitoring the removal of rocks from planned site works. *National Indigenous Times* (Malua Bay, 13 December 2007), 3.

19-Dec-07 WA **Iluka signs land deal** Iluka Resources has signed a Native Title agreement with the Far West Coast Aboriginal community covering the Perth mineral sands miner's \$120 million project in South Australia. The agreement covers undisclosed payment and employment programs. *West Australian* (Perth, 19 December), 61. *Adelaide Advertiser* (Adelaide, 19 December 2007), 54.

Applications Lodged with the Federal Court

DATE FILED	APPLICATION NAME	APPLICATION TYPE	STATUS	STATE/TERRITORY	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
23/11/2007	Nyangumarta People 2	Claimant application	Active	WA	WC07/2 WC07/2	WAD234/07
10/12/2007	Wongkumara People	Claimant application	Active	QLD	QC07/5 QC07/5	QUD415/07
14/12/2007	Robin Arnheim	Non-claimant application	Active	NSW	NN07/13 NN07/13	NSD2443/07
14/12/2007	Taripa	Claimant application	Active	WA	WC07/3 WC07/3	WAD248/07
19/12/2007	Aileron	Claimant application	Active	NT	DC07/2 DC07/2	NTD20/07

This information has been extracted from the National Native Title Tribunal website: <http://www.nntt.gov.au/applications/> accessed 25 January 2008. For further information about native title applications contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

Registration Test Decisions

DECISION DATE	APPLICATION DATE	APPLICATION NAME	STATE/ TERR.	DECISION	NNTT FILE NO.	FEDERAL COURT FILE NO.
2/11/2007	24/05/2002	Ngunawal People (ACT)	ACT	Not Accepted	AC02/1-2	NSD6007/02
2/11/2007	30/07/1997	West Arnhem Seas	NT	Not Accepted	DC97/5-2	NTD6025/98
8/11/2007	14/09/2001	Taylor Group	WA	Not Accepted	WC01/4-2	WAD6006/01
13/11/2007	23/04/1997	Nullarbor People	WA	Not Accepted	WC97/30-2	WAD6162/98
16/11/2007	16/09/1997	Jiddngarri	WA	Not Accepted	WC97/79-2	WAD6199/98
23/11/2007	16/01/1998	Donald and Sylvia Collard	WA	Not Accepted	WC98/2-2	WAD6223/98
26/11/2007	19/12/2005	Ngarigu Dialect Boundary Application	NSW	Not Accepted	NC05/2-2	NSD2620/05
30/11/2007	18/03/2005	Wangan/Jagalingou People	QLD	Not Accepted	QC05/4-2	QUD78/05
30/11/2007	21/03/2002	Kooma People #3	QLD	Not Accepted	QC02/16-2	QUD6013/02
11/12/2007	7/01/1997	D Collard and S Collard	WA	Not Accepted	WC97/1-2	WAD6142/98
12/12/2007	23/06/2000	Singleton	NT	Accepted	DC00/10-2	NTD6011/00
18/12/2007	30/10/1997	Iman People #1	QLD	Not Accepted	QC97/54-2	QUD6161/98
20/12/2007	24/01/2006	Joyce Williams, Violet Carr & William Riley on behalf of the Traditional Wellington Descendants	NSW	Not Accepted	NC06/1-2	NSD117/06
21/12/2007	3/12/1998	Dja Dja Wurung	VIC	Not Accepted	VC98/21-2	VID6043/98

This information has been extracted from the National Native Title Tribunal website: http://www.nntt.gov.au/cgi-bin/search/search.pl?dec_date=2007&col=registration&sorttype=dec_date&disp=true&list=dec_date accessed 25 January 2008. For further information about Registration Test Decisions contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

Applications Currently in Notification

NOTIFICATION CLOSING DATE	APPLICATION NAME	APPLICATION TYPE	DATE FILED	STATE/ TERR.	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
6/02/2008	Malera Bandjalan	Claimant	3/10/1997	NSW	NC97/31	NSD6083/98

	Tribe	application				
6/02/2008	Wanamara People Core Country Claim	Claimant application	27/11/2006	QLD	NC97/31 QC06/18 QC06/18	QUD460/06
6/02/2008	Wangan and Jagalingou People	Claimant application	27/05/2004	QLD	QC04/6 QC04/6	QUD85/04
6/02/2008	Yirendali People Core Country Claim	Claimant application	13/12/2006	QLD	QC06/20 QC06/20	QUD495/06
20/02/2008	Hector Allan Le Brocq	Non-claimant application	24/09/2007	NSW	NN07/9 NN07/9	NSD1914/07
4/03/2008	Boonthamurra People	Claimant application	2/11/2006	QLD	QC06/15 QC06/15	QUD435/06
4/03/2008	Walgett Special 1 Co-operative Ltd	Non-claimant application	12/10/2007	NSW	NN07/10 NN07/10	NSD2039/07
18/03/2008	Gordon: Warwick, Maclaren & Angus	Non-claimant application	19/10/2007	NSW	NN07/11 NN07/11	NSD2083/07
1/04/2008	John Christopher Little	Non-claimant application	23/10/2007	NSW	NN07/12 NN07/12	NSD2096/07

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/cgi-bin/search/search.pl?col=ntapplications&browse=notifications_current&sorttype=notification_closing_date](http://www.nntt.gov.au/cgi-bin/search/search.pl?col=ntapplications&browse=notifications_current&sorttype=notification_closing_date) accessed 25 January 2008. For further information about native title applications in notification contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

Indigenous Land Use Agreements (ILUAs)

TRIBUNAL FILE NO.	NAME (NNTT HYPERLINK)	TYPE	STATE/ TERR.	REGISTRATION DATE	SUBJECT MATTER
NI2006/002	Gundungurra Taralga Wind Farm Agreement	Area agreement	NSW	13/12/2007	Development
DI2005/006	Desert Knowledge Precinct	Area agreement	NT	1312/2007	Co-management
WI2006/004	Eastern Guruma Pastoral ILUA	Body corporate agreement	WA	21/11/2007	Access
WI2006/002	Ngarla Pastoral ILUA	Body corporate agreement	WA	2111/2007	Access
DI2006/003	Pine Hill CLA ILUA	Area agreement	NT	1911/2007	Community living area

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/ilua/bydate_index.html](http://www.nntt.gov.au/ilua/bydate_index.html) accessed 25 January 2008. For further information about Indigenous Land Use Agreements contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

Native Title Determinations

SHORT NAME	CASE NAME	DATE	STATE/TERR.	OUTCOME	LEGAL PROCESS
Eastern Kuku Yalanji People	Walker on behalf of the Eastern Kuku Yalanji People v State of Queensland [2007] FCA 1907	09/12/2007	QLD		Consent determination
The Githabul People	Trevor Close on behalf of the Githabul People v Minister for Lands [2007] FCA 1847	29/11/ 2007	NSW	Native title exists in the entire determination area	Consent determination

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/ntdetermination/bydate_index.html](http://www.nntt.gov.au/ntdetermination/bydate_index.html) accessed 25 January 2008. For further information about native title determinations contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

Items in the AIATSIS Catalogue

The following list contains either new or recently amended catalogue records relevant to Native Title issues. Please check MURA, the AIATSIS on-line catalogue, for more information on each entry.

A new function, the Pathways Gateway, has been added to the AIATSIS online catalogue.

<http://www1.aiatsis.gov.au/thesaurus/>

This gives easy access to the AIATSIS thesaurus for place, language, and subject. When you put in a search term in any of the three classifications, the AIATSIS thesaurus term will come up. From there you can click on the term to see a listing of all items in the AIATSIS catalogue that include that term. For example, choosing language and entering 'Kaytetye' will show you the two AIATSIS standardised search terms. Click on one and a listing will come up of all items containing Kaytetye language.

The AIATSIS Library has just added a digitised version of the Northern Territory Administration Reports and Legislation 1884-1956 to its online exhibition, 'To Remove and Protect: Aboriginal lives under control'. Other reports available in the same exhibition include the Victoria Protection Board Reports and the New South Wales Protection Board Reports. All have text-enabled search facilities.

These reports have been recently deposited by the National Native Title Tribunal:

Gunditjmarra and Djabwurrung language groups : Victoria (2003)

Jagera people #2 : Queensland region Perth, W.A. (2007)
Nucoorilma clan of the Gamilarooy Aboriginal people (2006)

Gkuthaarn, Kukatj and Kurtijar peoples (2006)

Gangalidda and Garawa peoples (c2007)

Central southern Queensland region (c2007)

Widi mob, Badimia people overlap report : Western Australia (2007)

The AIATSIS Library has recently acquired a set of the journal, *The North Queensland naturalist : the journal and magazine of the North Queensland Naturalist Club*. Cairns : The Club, [1932-1992].

Anthropology

Palmer, Kingsley 'Anthropology and applications for the recognition of native title.' *Land, Rights, Laws: Issues of Native Title*. Vol. 3, no. 7 (March 2007), p. [1]-[17].

Peterson, Nicolas 'Early 20th century photography of Australian Aboriginal families: illustration or evidence?' *Visual Anthropology Review* Vol. 21, nos 1 & 2 (Spring/Fall 2005), p.11-26.

Smith, Benjamin and Frances Morphy, eds. *The social effects of native title : recognition, translation, coexistence*. Canberra : ANU E Press, 2007.

Sutton, Peter 'The unwavering eve: David McKnight's ethnographic-historical legacy.' *Australian Journal of Anthropology* Vol. 18, no.2 Special issue 19 (2007), p. [227]-230.

Archaeology

Clegg, J. K. and Simon Ghantous, 'Rock-paintings of exotic animals in the Sydney basin, New South Wales, Australia'. *Before Farming* (2003), p. 257-266.

David, Bruno et al, 'Kurturnaiwak (Badu) and the archaeology of villages in Torres Strait.' *Australian Archaeology* no.63 (Dec. 2006), p. 21-34.

Gilligan, Ian, *Resisting the cold in ice age Tasmania: thermal environment and settlement strategies*'. *Antiquity* Vol.81, no.313 (Sept. 2007), p. 555-568.

Richards, Thomas et al, 'Box Gully: new evidence for Aboriginal occupation of Australia south of the Murray River prior to the last glacial maximum.' *Archaeology in Oceania* Vol. 42, no.1 (April 2007), p. 1-11.

Tacon, Paul S. C. et al, 'Wollemi petroglyphs, N.S.W., Australia: an unusual assemblage with rare motifs.' *Rock Art Research* Vol.23, no.2 (Nov. 2006), p. 227-238.

Economics

Altman, Jon C., et al, *The environmental significance of the indigenous estate : natural resource management as economic development in remote Australia*. Canberra : Centre for Aboriginal Economic Policy Research, 2007.

Australia. Parliament. Senate. Standing Committee on Environment, Communications, Information Technology and the Arts/ Eggleston, Alan.

Indigenous art - securing the future : Australia's indigenous visual arts and craft sector. Canberra : Standing Committee on Environment, Communications, Information Technology and the Arts, 2007.

Bliege Bird, Rebecca L. (Rebecca Lynn), 'Fishing and the sexual division of labor among the Meriam.' *American Anthropologist* Vol.109, no.3 (Sept. 2007), p. [442]-451.

Thorburn, Kathryn, 'Managing dilemmas in community-based organisations: viewing a spectrum of ways through the prism of accountability'. *Ngiya : talk the law*, Vol. 1 (June 2007), p. 2-23.

Government policy

Australia. Auditor-General, *Whole of government Indigenous service delivery arrangements*. Canberra : Australian National Audit Office, 2007.

Robson, Stephen W, 'Cultural respect and the Indigenous policies of the Keating and Howard governments.' *Journal of Australian Indigenous Issues*, Vol. 10, no. 3 (Sept. 2007), p. 3-17.

Governance

Hunt, Janet, 'Figuring out governance: capacity development for Indigenous Councils and Organisations.' *Ngiya : talk the law*, Vol. 1 (June 2007), p. 103-125.

Hunt, Janet and D. Smith, *Indigenous community governance project [electronic resource] : year two research findings*. Australian National University. Centre for Aboriginal Economic Policy Research. <http://www.anu.edu.au/caepr/Publications/WP/CAEPRWP36.pdf>

Kmetova, Silvia, *Leadership in non-traditional Australian Aboriginal community : case study Yarrabah*. 2006.

Morphy, Frances, 'The language of governance in a cross-cultural cultural context: what can and can't be translated.' *Ngiya : talk the law*, Vol. 1 (June 2007), p. 93-102.

Reilly, Alexander et al, 'The promise of regional governance for Aboriginal and Torres Strait Islander communities.' *Ngiya : talk the law*, Vol. 1 (June 2007), p. 126-166.

Sanders, Will and Sarah Holcombe, 'The Ti Tree Creek Camp study: a contribution to good governance.' *Ngiya : talk the law*, Vol. 1 (June 2007), p. 72-92.

Sullivan, Patrick and Diane Smith, 'Networked governance: issues of process, policy and power in a West Arnhem Land region initiative'. *Ngiya : talk the law*, Vol. 1 (June 2007), p. 24-52.

Westbury, N. (Neil) et al, *Governance and service delivery for remote Aboriginal communities in the Northern Territory [electronic resource] : challenges and opportunities*. Canberra : Centre for Aboriginal Economic Policy Research, 2000.

http://dspace.anu.edu/bitstream/1885/40151/1/CAEP_RWP6.pdf

History - exploration, biography and accounts

Adamson, Peter, *Harassing Aborigines & poisoning water holes : B.H. MacLachlan (1900-91) : some examples of a South Australian pastoralist's attitude to and treatment of Aborigines from the 1940s to the 1970s*. [Walkerville, S. Aust.] : Peter Adamson, c2007.

Babidge, Sally, *Written true, not gammon! : a history of Aboriginal Charters Towers*. Thuringowa, Qld. : Black Ink Press, 2007.

Barratt, Glynn, *Stars and moon : the life and death of George Van Diemen (1812?-1827)*. [2005-2006].

Breen, Shane and Dyan Summers, eds., *Aboriginal connections with Launceston places*. Launceston Tas. : Launceston City Council, 2006.

Collins, Felicity, 'Disputing history, remembering country in 'The Tracker' and 'Rabbit-Proof Fence'.' *Australian Historical Studies* no. 128 (October 2006), p. 35-54.

Landsborough, William, et al, *Landsborough's exploration of Australia from Carpentaria to Melbourne*,

with especial reference to the settlement of available country. Edited by James Stuart Laurie; with a chart, and a systematic arrangement of Carpentarian plants by F. Mueller. London : Thomas Murby, [1866?].

Mathews, Robert Hamilton, *Culture in translation : the anthropological legacy of R.H. Mathews*. Edited by Martin Thomas ; translations from the French by Mathilde de Hauteclocque and from the German by Christine Winter. Canberra : ANU E Press and Aboriginal History Inc., c2007.

Mintern, Andrew., '... mine is a wonderful and valuable story ...' ... : a study of Herbert Edward Read (1875-1950), missionary to the people of Raukkan (Point McLeay) and Warrawi (South Goulburn Island). Thesis submitted in partial fulfillment of the requirements for B.Th. (Hons) -- Flinders University, Bedford Park, S. Aust., 1993.

Nettlebeck, Amanda, 'Reading the elusive letter of the law: policing the South Australian Frontier.' *Australian Historical Studies* no. 130 (October 2007), p. 296-311.

Nicolay, C. G. (Charles Grenfell), *The handbook of Western Australia 1881*. Perth [W.A.] : B. Stein, 1896.

Human rights

Fletcher, Meredith, 'Past, present, future: reflections on Indigenous rights via the Morwell 'village haven'.' *Journal of Australian Indigenous Issues*, Vol. 10, no. 3 (Sept. 2007), p. 19-30.

United Nations Declaration on the Rights of Indigenous Peoples: adopted by the General Assembly 13 September 2007.
<http://www.un.org/esa/socdev/unpfii/en/declaration.html>

Indexes, directories and guides

Australian Society of Archivists. Committee on Descriptive Standards., *Describing archives in context : a guide to Australasian practice*. Canberra : Australian Society of Archivists, 2007.

Dern, Julie, comp., *Outback New South Wales pioneer register pre 1900*. Warren, N.S.W. : Julie Dern, c2004.

Grinton, Geoffrey R., Australian Institute of Genealogical Studies, Cemetery transcriptions index [electronic resource - disc] Blackburn, Vic. : Australian Institute of Genealogical Studies, c2003.

Lumley, Bill, comp., Exodus from Cummeragunja : news clippings 1938 to 1961. NOTE: researched and compiled by Bill and Lynne Lumley for Bangerang Cultural Centre Shepparton.
Shepparton, Vic. : Bangerang Cultural Centre, 2002.

Intellectual property

Eira, Christina, 'Still taking our language' : language research and intellectual property : project summary and collections. [2005?] NOTE: Limited access.

Land acquisition and land management

Australian ranger : a journal for conservation managers. [Canberra] : Australian National Parks and Wildlife Service, 1991-1993.

Brazenor, Clare, The spatial dimensions of Native Title. Thesis (M. Geomatics Sc.) -- Dept. Geomatics, Univ. of Melbourne. 2000.

Davies, Jocelyn, 'Enterprising work on country: incentives for biodiversity conservation and well-being.' Our place, No. 30, 2007, p. 14-16.

Environmental Defender's Office, Caring for country : a guide to NSW environmental law for Aboriginal communities. Sydney, N.S.W. : Environmental Defender's Office, 2007.

Fitzmaurice, Andrew
'The genealogy of terra nullius.' Australian Historical Studies no. 129 (April 2007), p. 1-15.

Harben, Sandra, Nyungar tourism in the South West region of Western Australia : a quopardar or best practice approach for Nyungar tourism operators. Perth, W.A. : Murdoch University, [2006?]

Hockings, Marc et al, Evaluating effectiveness : a framework for assessing management effectiveness of protected areas. Gland ; Cambridge : IUCN, c2006.

Indigenous Cultural Heritage Management Guidelines for South East Queensland Rainforests [electronic resource] : report for the Queensland South East Queensland Regional Forest Agreement. Qld. : Commonwealth of Australia, 1999.
http://www.daff.gov.au/__data/assets/pdf_file/0005/49361/qld_se_rfa_indigm.pdf

Jackson, Sue, Preliminary report on Aboriginal perspectives on land-use and water management in the Daly River region, Northern Territory : a report to the Northern Land Council. Winnellie, NT : CSIRO, 2004.

Jackson, Sue et al, Indigenous interests in tropical rivers : research & management issues : a scoping study for Land & Water Australia's Tropical Rivers Program. Darwin, N. T. : CSIRO Sustainable Ecosystems and Tropical Savannas CRC, 2006.

Morgan, David L. et al, 'Fish fauna of the Fitzroy River in the Kimberley region of Western Australia - including the Bunuba, Gooniyandi, Ngarinyin, Nyikina and Walmajarri Aboriginal names.' Records of the Western Australian Museum Vol.22, no.2 (2004), p. [147]-161.

Murphy, Brett P., 'The interdependence of fire, grass, kangaroos and Australian Aborigines : a case study from central Arnhem Land, northern Australia.' Journal of biogeography Vol. 34 2007 : p. 237-250.

Tiwi Islands regional natural resource management strategy & map atlas. Winnellie, N.T. : Tiwi Land Council, 2004.

Land claims

Australia. Office of the Aboriginal Land Commissioner. The Alcoota Land Claim (Claim No. 146) : report and recommendations of the former Aboriginal Land Commissioner Justice Gray, to the Minister for Families, Community Services and Indigenous Affairs and to the Administrator of the Northern Territory. Canberra : Aboriginal and Torres Strait Islander Commission, 2007.

Languages and linguistics

Breen, Gavan, *The grammar of Arandic kinship terminology : a survey*. [1999-2002].

Burgman, Albert, *Bayungu dictionary 2007* [electronic resource] / [developed and produced by Albert Burgman for Wangka Maya Pilbara Aboriginal Language Centre]. : [South Hedland, W.A.] : Wangka Maya, Pilbara Aboriginal Language Centre, 2007.

Burgman, Albert, *Nyamal dictionary 2007* [electronic resource] / [developed and produced by Albert Burgman for Wangka Maya Pilbara Aboriginal Language Centre]. : [South Hedland, W.A.] : Wangka Maya, Pilbara Aboriginal Language Centre, 2007.

Kokoberrin Tribal Aboriginal Corporation, *The Kokoberrin and their languages*. Black, Paul. 2007.

Muurrbay Aboriginal Language Culture Co-operative [electronic resource]
Nambucca Heads, N.S.W. : Muurrbay Aboriginal Language Culture Co-operative, 2005.
<http://nla.gov.au/nla.arc-78842>

Legal issues

Brunton, Ron, 'Justice Wilcox's bombshell.' *Quadrant*, No.435 Vol. 51, No. 4, (April 2007), p.24-29.

Corbellini, Lisa, *Ethnographic evidence, rights and interests, and native title claim research*. *Land, Rights, Laws: Issues of Native Title*. Vol. 3, no. 11 (Sept. 2007), p. [1]-[12].

Lutz, Ellen, 'Courting disaster.' *Cultural Survival Quarterly*: Vol. 31, no. 3 (Fall 2007), p. 22-27.

Neate, Graeme J., *Reforming the claims resolution process: opportunities and obstacles*. *Land, Rights, Laws: Issues of Native Title*. Vol. 3, no. 10 (May 2007), p. [1]-[12].

Ritter, David, *Contesting Native Title in Australia : institutions and ideologies*. NOTE: Manuscript. Limited access.

Legislation

Australia. Parliament. Senate. Community Affairs Legislation Committee
Reference : *Aboriginal Land Rights (Northern Territory) Amendment Bill 2006* : Friday 21 July 2006
Darwin.[Canberra] : Parliament of the Commonwealth of Australia, 2006.

Australia. Parliament. Senate. Standing Committee on Community Affairs
Australia. Parliament. Senate
Inquiry into Aboriginal Land Rights (Northern Territory) Amendment Bill 2006 [electronic resource].
http://www.aph.gov.au/SEnate/committee/clac_ctte/aborig_land_rights/

Mediation

Bauman, Toni. 'Waiting for Mary: process and practice issues in negotiating native title Indigenous decision-making and dispute management frameworks.' *Land, Rights, Laws: Issues of Native Title*. Vol. 3, no. 6 (June 2006), p. [1]-13.

Procedures and protocols - Archives and Libraries

First Archivists Circle, *Protocols for native American archival materials*. [Salamanca, N.Y.] : First Archivists Circle, c2006.

National Archives of Australia, *Keep it for the future! : how to set up small community archives*. Belconnen, A.C.T. : National Archives of Australia, c2007

Society of Australian Archivists, *Archives matter!* [Dickson, A.C.T.] : Society of Australian Archivists, 2007]

Rock art

Clark, Ian D., 'An analysis of challenges to the authenticity of rock art sites in the Gariwerd (Grampians) region of Victoria, Australia.' *Rock Art Research* Vol.22, no.2 (Nov. 2005), p. 141-145.

Faulstich, Paul Evan, 'Dreaming the country and burning land: rock-art and ecological knowledge.' *Before Farming* (2003), p. 343-353.

Gunn, R. G. , 'Motif structure and Australian Aboriginal rock art analysis: an example from Gariwerd, Victoria.' *Rock Art Research* Vol.22, no.1 (May 2005), p. 35-47

Gunn, R. G. , 'Mulka's Cave Aboriginal rock art site: its context and content.' *Records of the Western Australian Museum* Vol.23, no.1 (2006), p. [19]-41

Treize, Percy et al, [Papers and correspondence relating to Laura rock art fieldwork][c. 1970-1990]. NOTE: Limited access.

Welch, David, 'Plant motifs in Kimberley rock-art, Australia.' *Before Farming* (2003), p. 387-398.

Traditional knowledge

Brouwer, Nienke., Traditional medicinal knowledge of the Yaegl Aboriginal community of New South Wales [manuscript] : an ethnobotanical, biological and chemical study. Thesis (PhD)--Macquarie University (Division of Environmental & Life Sciences, Department of Chemistry & Biomolecular Sciences), 2006.

Hector, Ivy and Mildred, et.al., *Bilinarra bush medicine [kit]*. Diwurruwurru-jaru Aboriginal Corporation, c2003.

Want faster access to information?

The Newsletter is also available in ELECTRONIC format. This will provide a FASTER service for you, and will make possible much greater distribution, is better for the environment and allows you to use the HYPERLINKS contained in each issue. 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.

THE NATIVE TITLE RESEARCH UNIT

AIATSIS acknowledges the funding support of the Land Branch of the Department of Families, Community Services and Indigenous Affairs (FaCSIA).

For previous editions of this Newsletter, click on the Native Title Research Unit link at www.aiatsis.gov.au or go to <http://ntru.aiatsis.gov.au/publications/newsletters.html>

Native Title Research Unit

Australian Institute of Aboriginal and Torres Strait Islander Studies

GPO Box 553

Canberra ACT 2601

Telephone 02 6246 1161

Facsimile 02 6249 7714

Email: ntru@aiatsis.gov.au



