

Native Title Newsletter

November/December, No. 6/2008

WHAT'S NEW

The NTRU is calling for papers for the 2009 [National Native Title Conference](#) to be held in Melbourne, 3-5 June.

For the latest native title news go to http://ntru.aiatsis.gov.au/publications/whats_new.html

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The Survival of Land and Sea Units

By John Hopiga, Head Ranger,
Karajarri Rangers and
Jane Blackwood, Kimberley Land
Council Land and Sea Management
Unit

*Presentation to the Native Title Conference 2008, Perth,
Thursday 5 June.*

John Hopiga: I would like to thank the Traditional Owners of this country and the Traditional Owners who are here. I come from Karajarri country and I am a Traditional Owner. This country is about 170 kilometres south of Broome.

Jane Blackwood: Thanks John. I am going to talk for a little while and then I am going to pass back to John.

There are three key problem areas that land and sea management units are facing at the moment. The first one I've called the milestone blues and anybody who has been involved in land and sea will know exactly what a milestone is and it is a sustainability issue for us. The second is the succession tree, some fruit aren't so ripe and some are very ripe - this is about succession planning. The last one is about the ranger rodeo. Rangers remain a large part of the operational arm of land and sea management units. Johnny is going to talk about the ranger rodeo - you never know which horse you are going to be riding and when you are going get bucked off.

Context

The Kimberley Land Council was formed 30 years ago in response to events surrounding a multi-national company drilling on a sacred site on Noonkanbah Station. Today the KLC maintains the rights of ownership of the Kimberley Traditional Owners to their lands and asserts those rights. In 1998, 10 years ago, the

first land management position was funded; it was an Indigenous Land Management Facilitator position funded by the Commonwealth Government.¹ After several years, this position developed very strong land management projects with Traditional Owners of the Kimberley. As people enjoyed managing and asserting their rights to manage and look after their country, more and more Native Title Claim Groups lined up to get advice and project management support for land and sea activities on their country.

Currently we employ 22 staff and we have got about five vacancies so well over 27 staff. We have 40 ranger positions that we don't directly employ, but we manage. We operate over eleven native title groups in the Kimberley, which is about half of the groups. We also have very strong partnerships with government and non-government parties that we are tied to through agreements and Memorandums of Understanding. One of the particularly successful ones is with the Department of Indigenous Affairs (WA), which helps us deliver on Indigenous Protected Areas and ranger groups.

But today I want to discuss the obstacles and challenges that land and sea management units face after 10 years. This is my perspective from my observations and conversations with my bosses like John, who we work in partnership with about these difficulties.

The vision of the Kimberley Land Council is: "The Kimberley Land Council is a community organisation working for and with Traditional Owners of the Kimberley, to get back country, to look after country and to get control of our future."

The land and sea management unit is mainly concerned with looking after country and getting control of the future. We are one of four operational arms within the KLC. The KLC has a Native Title Representative Body function, a corporate services function, a land and sea function and an agreements function which is a recent development for us. During 2008, the Land and Sea Management Unit finalised its Strategic Plan to guide us into the future. We have four main goals:

- One, to be an effective and accountable unit

¹ This position is no longer hosted at the Kimberley Land Council Land and Sea Management Unit

within our organisation.

- Two, to deliver strong land and sea projects in partnership with Traditional Owners.
- Three, to develop strong partnerships with research bodies, industry and government.
- Four, to facilitate change.

The KLC has been doing a lot of thinking about the Land and Sea Management Unit, because the Unit has actually grown to its maximum operational size (under current resources), yet there are still people wanting projects to be developed. They are standing in line, but there is currently no capacity in the KLC to further push the limits of how we are currently structured. Funding and the partnerships for developing land and sea projects has never been better, but how are we to achieve long term, economic sustainability of the Unit to deliver activities for the Traditional Owners? I think the answer is about the structure of, and policy around, land and sea management units.

The Milestone Blues

When we engage with a Native Title Claim Groups, we respond to the aspirations of the group, a steering committee from the Traditional Owners is formed, and, when we are successful in getting funding, the project officer collects a little bag of milestones.

They put down their milestones and try to ensure the milestones match the money. But there are often hidden components in the delivery of land and sea management projects. These include administration, payments to Traditional Owners for working on projects, and other things that are difficult to secure funds for. Achieving project milestones stretch budgets to the limit, so you are often running on the back foot.

As you develop more and more projects with any one Native Title Claim Group, you might have three or four partners. They all require regular reports, with very particular reporting requirements. This requirement needs to be managed, and stretches the capacity of the

Project Officers who are on the ground out working and engaged with the day to day activities of the project. By year three you might have six to ten funding partners, all participating in a project. As you go along, at first you do not really need a person, you might just need a little bit of somebody else's time. But gradually as the capacity builds, you actually need a full time project officer. Then you need a vehicle, some administrative support and perhaps the ranger groups need to be paid and equipped to do the work.



Jane Blackwood

As these projects develop, the requirement for coordination and administration grows. This is something that is not currently funded, although we have been lucky with the partnership in the Kimberley Land Council that we secured funding until the end of 2008 for a Land and Sea Unit Manager position. That comes from the Department of Indigenous Affairs and the Indigenous Land Corporation.

Most grant funding bodies will let you allocate 10% of the funding towards administration. At the KLC, this is applied to the whole-of-organisation administrative structure (Corporate Services), which undertakes the financial management of Land and Sea Unit grants. Currently, roughly half of this 10% is re-applied to general management of the Land and Sea Unit (although this practice is unsustainable for the organisation).

Thus, to achieve \$100,000 in general management money to run a land and sea unit, you need to have \$2 million coming through your accounts every year. That is about where the KLC's Land and Sea Management Unit is at now; our annual turnover is about \$2.5 million. How can we strengthen our own position to continue on into the future and free ourselves from this dollars-milestone tension that dogs us all?

The Succession Tree

The Land and Sea Management Unit has been going for 10 years and some of our projects are 10 years old and they are very well developed. They have small mini

budgets that are almost like little land and sea management units within a native title holding group [represented by a Prescribed Body Corporate – PBC]. In all, they might turn over \$500,000 a year, with Rangers, Coordinators, and a little bit of project administration.

When can these projects be handed over completely to PBCs? Under present circumstances, they can't. Even though we have got PBCs that are seven years old in the Kimberley, with the exception of the Miriuwung-Gajerrong people who have some good agreement money, there is not one PBC that we can hand back these well developed, ready to enjoy projects. Those PBCs have to become functional and administrative. Once we can hand them back, they can be developed to become economically sustainable, but whilst they are within our Land and Sea Management Unit, they just tick over.

What new thinking is there to get that capacity, governance, administrative function, and resourcing of PBCs into shape to manage their own business? John is the head ranger for Karajarri and he is just going to talk about his story and the difficulty in coordinating all the different parties supporting what is a real employment opportunity for people; a culturally appropriate employment opportunity out on the country.

Ranger Rodeo

John Hopiga: In our Ranger project we have some young girls and boys we teach. We get TAFE to come up next to the coastal areas. We train a lot of boys and girls to work, not just riding motorbikes, but looking at sites, and our waterholes like *jilla* – water. We have got fish traps and all. At the moment they are thinking fish traps are what was there before, a long time ago when the old people leave us those things there. We are doing those things to help us along, help these old people and that is what we do; part of our job. It is a beautiful country. We do beach monitoring, what gets washed up on the shore from Indonesian boats. Checking them and taking

out the bugs or anything, check them out, scrub them and put them in a bottle with vinegar, send them to a lab in Darwin. Then they explain what it is, if it is good it is good. But if it is really bad then the State mob will come down and check them all out.

We have got some public road signs, saying there is no entry and everything, but people like to ignore it, drive through it, destroy rocks or sand dunes and a couple of sacred sites. You can drive all along the beach, but we don't like to drive there because there are a lot of turtles laying eggs there every season. They come from October to January or February and we are trying to protect that area. Another thing the girls do is get soap out of leaves. They pick leaves off the trees, boil them up and make soap. That is women's business.

We are looking for more funding to do all this stuff. We've got everybody involved in all those things, so it is very good. We even go into the desert areas. There are a

lot of cattle and even camels destroying waterholes and we are trying to protect those areas. At Dragon Springs Nature Reserve the CALM mob [WA Department of Environment and Conservation] try and protect all those areas from camels, and putting fences up. But how are we going to put water there, to protect the camels that are going into the spring areas?

We have a lot of things to do, which we are doing, like protecting areas, but there's no funding. That is the

only thing that we don't have. We are looking to all kinds of government agencies to help as along, so we can do this.

Jane Blackwood: Currently John runs this ranger program off his back veranda, with his own vehicle, with no supporting money at all, apart from \$70,000 we got about two years ago from the Office of Native Title and we purchased two quad bikes with that and we paid [CDEP] top up wages with that money and that's it. There is a lot of energy there just to get up and do rangers, and a lot of people do start off rangers like that,



John Hopiga directing vehicles across the rocks at Gourdon Bay

but I think the government should fund it, because it is exactly what they want to happen out on country.

News update: the Commonwealth Government's Working on Country program will fund the Karajarri Rangers over the next 5 years!!! So there will be no more Ranger Rodeos.

Book Review: 'Contested Governance Culture, power and institutions in Indigenous Australia'

By Ingrid Hammer, Research Officer,
AIATSIS

From the outset, *Contested Governance* undertakes to offer the reader a comprehensive ethnographic based account of the cultures of governance in Australia. The post colonial context is examined, with a view to exploring the future of Indigenous governance and its relationship with the dominant governance structures of the nation state. As contributors Smith and Hunt point out, 'It is simply impossible to understand the governance of Australian Indigenous communities as separate from the encapsulating governance environment of the Australian state'. (pg 3).

The research monograph, compiled by the Centre for Aboriginal Economic Policy and Research (CAEPR), is divided into five distinct parts: the governance environment; culture, power and the intercultural; institutions of Indigenous governance; contesting cultural geographies of governance, and, rebuilding governance. The research for the book is sourced from a diversity of sources, including Indigenous groups and leaders, government agencies and international institutions. Especially impressive is the variety of methodologies adopted by the researchers. The diverse approaches

enabled valuable access to information regarding Indigenous community governance, as well as portray the existing cultures of governance from both an Indigenous and a governmental perspective.

To begin, a discussion on the concept of governance provides readers with theoretical and contextual analysis and background to the subject matter. The tensions that exist between the governance intentions and procedures offered by the government, as distinct from those preferred by Indigenous communities, highlight the often fractious relationship between the entities. The chapters that follow stand independently of one another, and many of the authors work with a case study as the foundation for their analysis. Through this collection of papers observations of the current state of affairs are detailed, and projections for the future of Indigenous governance in each example are predicted. In many instances, the authors draw on organisational policy and contrast this with the practical, on the ground experience of a selected organisation.

The relationship between native title claims and Indigenous governance is discussed in the context of a case study of the Noongar native title claim, by Manuhua Barcham in Chapter 10. Although the claim is not discussed in great depth, the administrative process that the claim was subjected to is covered. This information is useful for those working in native title as it is an important procedural perspective on the claims process that is often not documented.

Particularly relevant for those involved with native title is the account by Manuhua Barcham of the diminution in significance of the Noongar Land Council (NLC) and the subsequent establishment of the South West Aboriginal Land and Sea Council (SWALSC). The turn of events, as Barcham describes, resulted from poor governance within the NLC. Originally consisting of 78 single land claims, and later being compounded into 6, the SWALSC proceeded to corroborate these 6 into a single Noongar land claim. A consensus to shift the claim area boundaries; consultation with communities; and, internal restructure within the SWALSC are all attributed by Barcham to the creation of the single Noongar claim, which was met with success in court.

Overall, *Contested Governance* will be appreciated for its comprehensive investigation into the organisation of Indigenous governance specifically, though is also a beneficial resource concerning the theory of governance more generally. Most importantly, *Contested Governance* provides a well rounded account of Indigenous governance across the nation through the use of widespread examples. The governance structures are effectively assessed from a community through to a national level. The coherent style adopted by the contributors ensures that the information is user friendly and will appeal to those in a professional capacity as well for general interest. The flowing, narrative style of the text promises accessibility to a range of audiences.

Contested Governance Culture, power and institutions in Indigenous Australia is published by ANU E Press and is available in print or free online at [ANU E Press](http://ANUEPress).

Government Discussion Paper Released: Optimising Native Title Agreement Benefits

By Ingrid Hammer, Research Officer, AIATSIS

The Australian Government has handed down its discussion paper on Indigenous Economic Development Strategy, incorporating recommendations of the Native Title Payments Working Group, which was commissioned by the Department of Families, Housing Community Services and Indigenous Affairs, together with the Attorney-General's Department.

The primary concern identified in the report is the relationship between the activities of the resources industry, namely the mining sector, and the economic benefit that flows to Indigenous peoples. The negotiation stage of agreements between Indigenous peoples and

industry is recognised as vital to future economic and social well being of traditional owners. Although the *Native Title Act 1993* (Cth) provides for the right to negotiate on such matters as mining, and has been successfully engaged in giving rise to agreements such as Indigenous Land Use Agreements (ILUAs), the report notes that not all arrangements result in beneficial outcomes for Indigenous communities.

The Working Group has indicated that some of the major barriers to successful agreements include a lack of current agreements that may be utilised as model agreements, the overly restrictive confidentiality provisions that govern agreements and limit access to important data, and a lack of support for traditional owners during the native title process. The working group also reports that due to the recent growth in the mining industry and subsequent entrance by new players, there is an underlying lack of cultural sensitivity and understanding of Indigenous peoples' rights.

The flow of payments directly to traditional owners is a further concern in the report. The position of the government is consistent with that of the Working Group: that improvements in economic status are rarely maximised by direct payments to communities. The Working Group focussed its investigations on the barriers to effective implementation of agreements, the requirements of sustainable agreements, and the settings conducive to sustainable agreements.

The Working Group reported on international experiences in agreement making, drawing on examples such as the publicly available agreements of New Zealand, and special legislation in South Africa dealing with social responsibility of industry. One suggestion made in the report for increasing transparency is for the establishment of a public register that could disclose relevant information and model agreements.

Another concern the report identified is a shortfall in the effective implementation of negotiated agreements. For traditional owners to take advantage of the benefits of an agreement the terms of the agreement must be realistic and sustainable. In addition, the promotion of good practice, greater assistance for Indigenous people to enter the mining industry, an improvement in capacity of traditional owners to engage in negotiations with the

resources industry, and the allocation of greater resources to Native Title Representative Bodies and Prescribed Bodies Corporate are key factors identified as important to improving Indigenous economic and social benefits for Indigenous people.

The complexities and burdens linked to the present tax regime was an additional matter explored in the discussion paper. The limited scope for economic development arising from charitable trusts is a key concern. Given that most native title groups opt for this mechanism to manage their benefits, the report recognises significant restraints such as deductibility restrictions for Indigenous communities and organisations as well as restrictions on Indigenous community development stemming from the current exemption provisions of the *Income Tax Assessment Act 1997* (Cth).

The discussion paper suggests that base level benefits to traditional owners involved in negotiations might successfully be enforced through legislation, prescribing minimum and maximum payments and therefore encouraging greater emphasis on negotiations of the non-economic benefits of agreements.

Submissions are invited in response to the discussion paper, due by 13 February 2009. For the full paper and Working Group report see the [Attorney-General's Department webpage](#).

Proposed native title amendments

The Attorney General has announced that the Government will introduce amendments to the *Native Title Act 1993* (Cth) to provide for a more central role for the Federal Court in managing native title claims.

The Attorney-General notes that 'The Court has significant alternative dispute resolution experience and has achieved strong negotiated results in past native title matters by taking an active role in the mediation process. This change will give the Court control over all native

title claims brought before it from start to end. Having one body control the direction of each case means that the opportunities for resolution can be more readily identified. This reform has the potential to significantly improve the operation of the native title system.'

The Discussion Paper, released in December 2008, outlines the minor legislative amendments. These include:

- Enabling the Court to rely on a statement of facts agreed between parties;
- Enabling the Court to make determinations that cover matters beyond native title;
- Giving effect to the provisions of the *Evidence Amendment Act 2008* (Cth), particularly focussing on the early evidence rules and exceptions to the transitional provisions;
- Amendments to the recognition and re-recognition provisions for native title representative bodies and;
- Other changes to improve the conduct of native title litigation including a power for judges of the Federal Court to refer questions arising in proceedings to a referee for inquiry and report.

The Attorney-General has opened the discussion paper for consultation, and changes are anticipated to commence in July 2009. Submissions are to be made by February 16. For the full paper see the [Attorney-General's Webpage](#).

NTRU Project Reports

Job Vacancy – NTRU Research Officer – non-ongoing

AIATSIS is currently recruiting an NTRU Research Officer. The NTRU is the pre-eminent research program in Australia examining issues surrounding the recognition and protection of native title and contributing to the development of resources and information in the native title sector.

The successful applicant will be responsible for editing and producing our native title publications, assisting with public events, and conducting directed research projects. The Native Title Research Officer will also have opportunities to prepare submissions to parliamentary and other inquiries and contribute to the NTRU planning and reporting.

The ideal applicant for this vacancy will be motivated, innovative, a great team contributor and have an interest in the content of our research. Some experience editing academic work, organising events or developing web content would be desirable. A background in law would be a useful compliment to our team but is not essential.

Successful candidates will be offered a contract until 30 June 2009. We expect renewed funding for the program to be determined during this time and positions will be advertised for a further three years if successful.

Salary will be in the range \$54,356 to \$57,636 per annum (APS Level 5). Positions are based in Canberra.

Aboriginal people and Torres Strait Islanders are encouraged to apply.

For selection criteria contact:

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Closing date for applications: 23 January 2009

NTRU Publication

[Research Monograph: The 2007 Amendments to the Native Title Act 1993 \(Cth\): Technical Amendments or Disturbing the Balance of Rights? By Angus Frith \(with Ally Foat\)](#)

In 2005 the Attorney General announced an interconnected package of reforms to the native title system, focussing in particular on native title

representative bodies, the claims resolution process in the National Native Title Tribunal and the Federal Court, prescribed bodies corporate, financial assistance for non-claimant groups, dialogue with the States and Territories, and technical amendments. Reviews in these areas informed the drafting of the Native Title Amendment Act 2007 (Cth) and the Native Title Amendment (Technical Amendments) Act 2007 (Cth), much of which came into force in April and September 2007.

This paper describes the reform process, and each Government, independent and parliamentary review of Government proposals, and the draft legislation. It focuses on the substantive changes to the *Native Title Act 1993* (Cth), and their effect on native title practice and outcomes. The paper addresses the implications of the reforms enacted, in particular the changes affecting native title representative bodies and prescribed bodies corporate, and the shifts in the functions of the National Native Title Tribunal and its relationship with the Federal Court. The amendments make substantive changes in relation to these areas, which go beyond making the system more efficient.

The author discusses how the amendments confer greater discretion concerning the choice and operation of native title representative bodies on the executive government, which in turn adds to the uncertainty of and pressure on their relationships with native title groups. Increased accountability demands on native title representative bodies come amidst calls for increases in their funding levels, which have remained static for many years.

The amendments also signal a major shift in the balance in the roles of the National Native Title Tribunal and the Court, especially in respect of mediation, but also, to an extent, in the Court's litigation role. The Court's role in working with the Tribunal and in scrutinising the exercise of Government powers is diminished. The Tribunal is to play a far greater role in mediation, with new powers to assist that function.

The authors conclude that the trends may damage the enjoyment of procedural fairness by all parties, but in particular Indigenous people, who have historically suffered difficulties in achieving just recognition of their laws, customs and rights.

What's New

Reforms, Reviews and Reports

[Native title claims: overcoming obstacles to achieve real outcomes](#)

This paper provides a stock take of key outcomes achieved to date and an estimate of how long it will take to finalise native title claims, an assessment of the main obstacles to resolving claims, and an analysis of an approach which all participants could take to resolve the remaining claims and those to be made in the future.

[Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people](#)

The Special Rapporteur provides an analysis of the Declaration in the context of other international instruments specifically regarding Indigenous peoples and human rights instruments of general applicability. Reflecting the common international body of opinion regarding the rights of Indigenous peoples, the Declaration elaborates on general human standards as they apply to the specific context of Indigenous peoples, with a particular emphasis on the remedial measures required to address the historical contemporary denial of their rights. The last section of the report analyses the different measures required to implement and make operative the rights affirmed in the Declaration, a process which involves a joint effort by States, the United Nations system, Indigenous peoples and relevant civil society actors.

[Optimising benefits from Native Title Agreements](#)

Australian Government discussion paper on Indigenous Economic Development Strategy, incorporating recommendations of the Native Title Payments Working Group.

[National Native Title Tribunal Annual Report 2007-2008](#)

Reviews the Tribunal's work during the year and identifies external factors that affected the Tribunal and its work, and trends within the Tribunal.

Recent Cases

Australia

Bennell v State of Western Australia [2008] FCA 1633

A new body was recognised as the representative body for an area. The issue was whether the former representative body for the area, the Noongar Land Council, retained a sufficient interest to remain a party to the proceeding in respect of that area. Siopis J held that the Council did not have a sufficient interest.

Vaughan William Corps & Darryl John Corps - V-Donald Kimberley North 2008 WAMW 15

Whether the granting of an application for a miscellaneous license was lawful. The land concerned was held by the Ngaluma Injibandi Native Title claimants holders. The basis for the objection included: compliance with regulation 37(3) of the Mining Regulations 1981; whether the applicant was required to obtain a permit before marking out; whether the purpose for which the license was sought was directly connected with the mining operations; whether the granting of the licence would injuriously affect or revoke an existing mining operation and; whether the granting of the license would be against the public interest. The application was dismissed.

JED (Deceased) v State of Western Australia [2008] FCA 1684

Leave was granted for an application to replace the applicant due to death and to amend Form 1 of the application of a native title determination application.

Gia People v State of Queensland [2008] FCA 1696

Orders made as a result of repeated defaults by the applicants to comply with previous orders.

Minister Administering the Crown Lands Act v New South Wales Aboriginal Land Council - (2008) 249 ALR 602 [\[2008\] HCA 48](#)

Appeal from the Supreme Court of New South Wales. The court considered whether land was "claimable Crown land" under s 36(1) of Aboriginal Land Rights Act (NSW); whether land "lawfully used or occupied" under s 36(1)(b) of Act and; whether steps taken preparatory to intended sale of land constituted lawful use and occupation of land. The Court considered the meaning of "lawfully used or occupied" and whether "lawfully used or occupied" was a compound expression with a single meaning. In addition the court considered whether "used" and "occupied" should be considered separately, and the meaning of "use" and "occupied". Appeal was dismissed with costs.

Wurridjal & Ors v Commonwealth of Australia & Anor [\[2008\] HCATrans 348](#)

Wurridjal & Ors v Commonwealth of Australia & Anor [\[2008\] HCATrans 349](#)

Judgment was reserved concerning the issue of acquisition of property other than on just terms. The land concerned was Aboriginal land which was subject to a five year lease to the Commonwealth. The issue was whether ss 31, 32, 34, 35, 36, 37, 50, 51, 52, 60, 61, 62, 68(2) and 134 of Northern Territory National Emergency Response Act 2007 (Cth) ("the Emergency Response Act") and items 12, 15 and 18 to Sch 4 of Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007 (Cth) ("impugned provisions") affect acquisition of property subject to s 51 (xxxi) Constitution. The Court looked to whether the property was acquired other than on just terms and was therefore invalid, and whether payment of reasonable compensation is just terms.

Collard v The State of Western Australia [\[2008\] FCA 1566](#)

Sambo v State of Western Australia [\[2008\] FCA 1575](#)

Application to have members of an applicant in a native title determination claim removed for failure to cooperate

with other members of the applicant. The issue was whether a member of an applicant can be removed as a party by reference to O r 9 of the Federal Court Rules or whether s 66B of the Native Title Act 1993 (Cth) should be relied upon. Siopis J dismissed the application based on s 66B(1) of the Native Title Act 1993 (Cth).

Taylor v State of Western Australia [\[2008\] FCA 1675](#)

Phillips v State of Western Australia [\[2008\] FCA 1676](#)

Martin v State of Western Australia [\[2008\] FCA 1677](#)

Whalebone v State of Western Australia [\[2008\] FCA 1678](#)

The issue concerned the Court's discretionary power to dismiss an application on its own motion if the application has not been amended since earlier failure of registration test, and no evidence existed that it was likely to be amended in a way that would lead to a different outcome. McKerracher J held that there was no other reason why the application should not be dismissed.

Lardil, Yangkaal, Gangalidda & Kaiadilt Peoples v State of Queensland [\[2008\] FCA 1855](#)

Determination of native title by consent. The issue was whether it is within the power of the Court and appropriate to make an order under section 87 of the Native Title Act, and whether section 225 of the Native Title Act satisfied. The determination of native title made.

Anderson on behalf of Numbahjing Clan within the Bundjalung Nation v Director-General of the Department of Environment and Climate Change & Anor [\[2008\] NSWLEC 299](#)

Costs proceedings brought in the public interest. Applicant was unsuccessful. The Court held that there was an insufficient basis for departing from the usual order that costs follow the event.

Evans on behalf of the Koara People v The State of Western Australia [2008] FCA 1557

Notice on Court's own motion to show cause why an application should not be dismissed pursuant to s 190F(6) of the Native Title Act (Cth). The application was not likely to be amended in a way that would lead to a different outcome once considered by the Registrar of the Native Title Tribunal and there was no other reason why the application should not be dismissed. The application was dismissed.

International

Musqueam Indian Band v. Minister of Public Works and Government Services and Squamish Nation AND BETWEEN Squamish Nation v. Minister of Public Works and Government Services (F.C.) (Civil) (By Leave) Coram : McLachlin C.J. and Fish and Rothstein JJ.

Application for leave dismissed with costs. Numerous issues including whether the Court of Appeal's application of the principles in *R. v. Gladue*, [1999] 1 S.C.R. 688, effectively overruled jurisprudence to the effect that aboriginal rights exist within the Canadian legal system and not outside of it.

Frontenac Ventures Corporation v. Ardoch Algonquin First Nation, Robert Lovelace, Paula Sherman and Her Majesty the Queen in Right of Ontario - and - Native Women's Association of Canada (Ont.) (Civil) (By Leave) Coram: Binnie, Deschamps and Abella JJ

This was an application for an interlocutory injunction regarding the Federal government selling small parcel of urban-developed land located within First Nation's traditional territory. One issue involved consideration of the interests of the First Nation that are to be considered in the analysis of irreparable harm. The application for an extension of time was granted and the applications for leave to appeal were dismissed with costs to the respondent.

Legislation

[Aboriginal Land Rights \(Northern Territory\) Amendment Regulations 2008 \(No. 1\) \(Cth\)](#)

"The purpose of the Regulations is to prescribe certain parcels of land on Groote Eylandt (Angurugu and Umbakumba) and Bickerton Island (Milyakburra) totalling approximately 974 hectares as a single township in relation to the Anindilyakwa Land Trust. The Regulations will enable the Anindilyakwa Land Trust to lease the township under section 19A of the Act [Aboriginal Land Rights (Northern Territory) Act 1976]" (Explanatory Statement page 1).

Conference Papers, Speeches

Neate, G and Catlin, J '[Intervention strategies in native title mediation](#)' Paper delivered to the 9th National Mediation Conference, Perth, 10 September 2008.

Robert McClelland, ([Speech delivered at the Native Title Consultative Forum](#)), Old Parliament House, Canberra, 4 December 2008.

Journal Articles

Venn, T. J. 'Economic implications of inalienable and communal native title: the case of Wik forestry in Australia' *Ecological Economics* (2008) Vol. 64 No. 1 pp. 131-142.

Brennan, S 'Compulsory acquisition of native title land for private use by third parties' *Public Law Review* (2008) Vol. 19 No. 3 pp. 179-185.

Korosy, Z 'Native title, sovereignty and the fragmented recognition of Indigenous law and custom' *Australian Indigenous Law Review* (2008) Vol. 12 No. 1 p. 81-95.

Brennan, S 'Wet or dry, it's Aboriginal land: the Blue Mud Bay decision on the intertidal zone' *Indigenous Law Bulletin* (2008) Vol. 7 Issue 7 pp. 6-9

Native title in the News

Australia

5-Dec-2008 **Give tax break to miners, says study** Ample tax breaks would be given to mining and resource companies that do the right thing by native title claimants under possible improvements to the native title system. *Sydney Morning Herald*, (Sydney NSW, 9 December 2008), 10.

13-Dec-2008 **Rudd aims to preserve native title benefits for the future** Benefits for Aboriginal people under native title agreements could be preserved in law for the first time in a possible proposal being considered by the Rudd Government. *The Australian*, (Australia, 9 December 2008), 5

18-Dec-2008 **Improvements to native title system** The Attorney-General Robert McClelland has released a paper on possible minor amendments to the *Native Title Act 1993* (Cth) to encourage more negotiated settlements of native title claims. *Daily News*, (Warwick QLD, 29 December 2008), 10. *Centralian Advocate*, (Alice Springs NT, 19 December 2008), 11.

New South Wales

12-Nov-2008 NSW **Gathering organised to start healing wounds of the past** Communities living along Hanging Rock Creek, from Barkers Vale to Cawongla, came together with traditional landowners to heal the past and acknowledge one another. The occasion was a formal acknowledgement of traditional and native title rights of the Indigenous people of the area, by Indigenous and non-Indigenous community members. *Northern Star*, (Lismore NSW, 24 November 2008), 8.

12-Dec-2008-NSW **Memorandum signed** -The Bega Valley Shire Council, local Aboriginal Land Council and native title holders have signed a revised Memorandum of Understanding intended at reinforcing the relationship between the Council and the shire's Aboriginal community. *Bega District News*, (Bega NSW, 12 December

2008), 7. *Narooma News*, (Narooma NSW, 10 December 2008), 14.

18-Dec-2008-NSW **Developers eye Byron's \$10m block** - A sought after area of land in Byron Bay is expected to fetch about \$10 million, despite the world economic crisis. The land is owned by the local Aboriginal community, the Arakwal people, who have been rightfully handed back the 4000sqm property in Brownell Drive as part of a 2007 land title hand over. *Weekend Gold Coast*, (Queensland, 27 December 2008), 21. *Sun-Herald*, (Sydney NSW, 21-Dec-2008), 31.

Queensland

20-Nov-2008 QLD **Protest against marina** Members of the Ngaro people, who say they are the traditional landowners of the Whitsunday Islands, plan to make a native title claim to stop a \$250 million marina proposed for Shute Harbour. Save our Foreshores spokeswoman Suzette Pelt said that on November 15 the group would march with the Ngaro people at the Whitsunday Reef Festival in protest to the development. *Daily Mercury*, (Mackay QLD, 4 November 2008), 7. *Morning Bulletin*, (Rockhampton QLD, 4 November 2008), 8.

29-Nov-2008 QLD **Indigenous land bid for town area** Traditional owners of the Cooktown area met on December 2, to discuss the future of locations identified by the State Government as having important conservation values. Traditional owners were also advised to attend a meeting in Cairns on December 16 to officially sign off on an ILUA for the Shelburne Bay area, North of Lockhart River. *Cooktown Local News*, (Cooktown QLD, 26 November 2008), 3.

4-Dec-QLD **Hospital work starts three months late** Site work on the \$1.55 billion Gold Coast Hospital will begin next week, three months behind schedule, after months of discussion between Indigenous groups and the State Government. Work was meant to have commenced in September, but was held up because native title groups were unhappy with negotiations. *Weekend Gold Coast*, (Queensland, 6 December 2008), 5.

6-Dec-2008-QLD **Native Title in Gulf** Indigenous peoples in the Gulf of Carpentaria have had their native title rights recognised over most areas on 23 islands. Federal Court Justice Jeffrey Spender made the determination on 9 December on Morington Island. - *North West Star*, (Mount Isa, 10 December 2008), 3.

Northern Daily Leader, (Tamworth NSW, 10 December 2008), 9. *Townsville Bulletin*, (Townsville QLD, 10 December 2008), 6. *Courier Mail*, (Brisbane QLD, 10 December 2008), 11. *Advertiser*, (Adelaide, 10 December 2008), 9. *Western Cape Bulletin*, (Weipa QLD, 17 December 2008), 6.

Victoria

7 Nov-2008 VIC **Talks seek to ease way on land rights** Victoria would become the first state in Australia where Aboriginal people could establish land rights without pursuing tedious native title cases. The Federal Court, under a possible ground-breaking deal being negotiated with the State Government, will make this possible. The State Government and Victorian Traditional Owner of Land Justice Group are expected to decide whether to sign off on the proposed deal by February next year. *The Age* (Melbourne, VIC, 12 November 2008) 11.

18-Nov-2008 VIC **Mission accomplished as owners get title over site** Traditional owners of Lake Condah mission site in southwest Victoria have been engaged in a native title fight that spanned more than a decade and was finally won last year. On the 23 November 2008 Jenny Macklin transferred the deeds of title to the site to the local Gunditjmarra people. *The Age*, (Melbourne VIC, 24 November 2008), 6.

22-Nov-2008 VIC **Forest declared national parkland** Nearly 30,000ha of forest in western Victoria has been declared National Park. The Gunditjmarra Aboriginal people are the traditional owners and native title holders of Cobboboonee forest. The traditional owners concerns as well as fire management will be high on the agenda. *Geelong Advertiser*, (Geelong VIC, 10 November 2008) 11.

24-Nov-2008 VIC **A drought-proof hotel with a landmark title** Novotel has decided to build Australia's first eco-friendly, drought-proof hotel just minutes drive northwest of Melbourne. The location of the hotel is central to Victoria's historic goldfields and spa region. The first task was to discuss a landmark native title agreement with Indigenous landowners. *The Age*, (Melbourne VIC, 27 November 2008), 8.

25-Nov-2008 VIC **McInerney endorsed by native title group** Reconciliation groups have endorsed Lisa McInerney as a candidate in this month's Rural City of Wangaratta council election. Australians for Native Title and Reconciliation (ANTaR) supported Ms McInerney for her standpoint in reconciliation and native title.

Wangaratta Chronicle, (Wangaratta VIC, 26 November 2008), 4.

27-Nov-2008 VIC **Art work still on hold** The restoration of Aboriginal artworks at Mudgegonga is still on hold, as a local group remains entangled with Aboriginal Affairs Victoria. Restoration on the rock art sight came to a halt in April after Dhudhuroa Native Title Group appealed to key officials, citing the AAV's failure to acquire free, prior and informed approval. *Bright Observer*, (VIC, 26 November 2008), 7.

17-Dec-2008-VIC **Yorta Yorta Aboriginal Nation** The Yorta Yorta Aboriginal nation has greeted with delight the Victorian Government's announcement that it will create a Barmah National Park. The Government has involved Yorta Yorta in joint management of their traditional country. Another 56 positions have been created for Indigenous peoples due to the creation of the National Park. *Riverine Herald*, (Echuca VIC, 31 December 2008), 5.

Western Australia

6-Nov-2008 WA **State planners silent on title claim's costing** An Augusta group is pushing for more aged care units to be constructed next to the town's hospital, though the group is still involved in a decade long negotiation over native title land. *Augusta Margaret River Times*, (Margaret River, 21 November 2008), 4.

10-Nov-2008 WA **Premier to view gas site** Broome shire president Graeme Campbell has called on premier Colin Barnett, to personally visit each of the four Kimberley sites being considered for an LNG processing hub before a decision is made on the location. Mr Campbell said his meeting with Collin Barnett centred on a push for sufficient infrastructure to be in place to help the Shire manage the arrival of an LNG hub and the need for an early resolution to native title discussions. *Broome Advertiser*, (Broome WA, 6 November 2008), 1.

14-Nov-2008 WA **Green light in Ord** Crops may be planted by the end of December next year in a significant location of Ord. This project will be moving into stage two after a deal was struck between private enterprise and native title holders last week. *Countryman*, (WA, 27 November 2008), 4.

21-Nov-2008 WA **Mt Gibson presses on with China link** Mt Gibson Iron publicised yesterday that they had reached an in-principle agreement with the

Dambimangari native title group to allow research at Koolan Island, off the state's Kimberley coast. The *Australian*, (WA, 14 November 2008), 25.

27-Nov-2008 WA **Request for early evidence granted** A request from the Ngadju Native Title groups for early evidence to be given by several witnesses living on traditional lands was granted. Federal Court Justice Shane Raymond Marshall arranged on Tuesday to travel to the Ngadju claim region to hear the evidence "on country". *Kalgoolie Miner*, (Kalgoolie WA, 22 November 2008), 8.

27-Nov-2008 WA **Road deal leads to growing Ord Valley** The Ord River Irrigation Scheme has taken a step forward with the Shire of Wyndham East Kimberley and the Consolidated Pastoral Company agreeing to upgrade a road, triggering the conversion of 16,000ha of pastoral land to freehold title. The signing of the agreement sees CPC relinquish 165,000ha of land within its Carlton Hill and Ivanhoe pastoral leases for six new conservation reserves to be managed by the Miriuwung Gajerrong people as the native title owners. *Farm Weekly*, (WA, 27 November 2008), 26.

3-Dec-2008-WA **Buswell handpasses native title to Premier** Colin Barnett will assume responsibility for the office of native title after Treasurer Troy Buswell asked that it be taken from him because it clashed with his portfolios. *West Australian*, (Perth WA, 2 December 2008), 14.

3-Dec-2008-WA **Native title royalty cash payments face axe** Cash payments to native title landowners from gas and mining companies could be abandoned following fears Indigenous communities are missing out on the bounty of the resources boom. *West Australian*, (Perth WA, December 2008), 14. *Sydney Morning Herald*, (Sydney NSW, 8 December 2008), 6.

8-Dec-2008-WA **Noongar appeal no "Loss or win "** The body representing Noongar claimants in a native title case over Perth says the recent appeal decision by the Federal Court was neither a loss nor win. The appeal judges had ruled that Judge Murray Wilcox had made errors in law in his original judgement, but referred the case to the Federal Court's native title provisional docket judge. *National Indigenous Times*, (Malua Bay NSW, 11December 2008), 8.

8-Dec-2008-WA **Detail in uranium talks** A uranium and native title conference was attended by traditional land owners and mining industry representatives in Perth last week. The conference was hosted by the Yamatji Land

and Sea Council. Attendees included uranium-affected native title claim groups, uranium mining industry, government departments, environmental groups and other representative bodies. *Geraldton Guardian*, (Geraldton WA, 17 December 2008), 11.

10-Dec-2008-WA **Native title issues frustrate community works** Housing and works minister Troy Buswell, has called for a new approach to resolving native title and Aboriginal heritage issues that are holding up the provision of new housing and facilities for Indigenous communities. *Media Statements*, (Western Australia, 5 December 2008).

17-Dec-2008-WA **WA Govt looks to eliminate native title on public works land** The Western Australian Government has pushed to extinguish native title on land needed for public works. The Kimberley Land Council acknowledges the need for land use negotiations to be more efficient but believes that this proposal is not the solution. *ABC News*, (Western Australia, 5 December 2008).

Northern Territory

December-2008 NT **80 new blocks in groundbreaker deal** Australia's first Indigenous land use agreement for an Indigenous company to develop land is to be signed off in Alice Springs tomorrow. *Centralian Advocate*, (Alice Springs NT, 16 December 2008), 2

Applications Lodged with the Federal Court

DATE FILED	APPLICATION NAME	APPLICATION TYPE	STATUS	STATE/ TERR.	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
17/12/2008	Bigambul People	Claimant application	Active	QLD	QC08/12	QUD419/08
15/12/2008	Yilka	Claimant application	Active	WA	WC08/5	WAD297/08
03/12/2008	Yawinya	Claimant application	Active	WA	WC08/4	WAD280/08
02/12/2008	Ngurrara B	Claimant application	Active	WA	WC08/3	WAD281/08
26/11/2008	Numbahjing Clan within the Bundjalung Nation	Claimant application	Active	NSW	NC08/2	NSD1844/08
25/11/2008	Gandangarra Local Aboriginal Land Council	Non-claimant application	Active	NSW	NN08/9	NSD1839/08
12/11/2008	Barada Barna People	Claimant application	Active	QLD	QC08/11	QUD380/08
06/11/2008	Mandandanji People	Claimant application	Active	QLD	QC08/10	QUD366/08
06/11/2008	Peter Anthony Sanders	Non-claimant application	Active	NSW	NN08/8	NSD1746/08

This information has been extracted from the National Native Title Tribunal website: <http://www.nntt.gov.au/Applications-And-Determinations/Pages/default.aspx> accessed 8 January, 2009. 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	DECISION	NNTT FILE NO.	FEDERAL COURT FILE NO.
01/12/2008	17/07/2002	Camfield Montejinni	Accepted	DC02/17-3	NTD6018/02
13/11/2008	13/10/2008	North Eastern Wiradjuri People of the Bathurst/Lithgow/Mudgee area	Accepted	NC08/1-1	NSD1598/08
04/11/2008	26/09/2008	Dieri No.2 Native Title Claim	Accepted	SC08/2-1	SAD163/08

This information has been extracted from the National Native Title Tribunal website: <http://www.nntt.gov.au/Applications-And-Determinations/Registration-Test/Pages/search.aspx> accessed 8 January, 2009. For further information about Registration Test Decisions contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

ILUAs

TRIBUNAL FILE NO.	NAME (NNTT HYPERLINK)	TYPE	STATE/ TERR.	REGISTRATION DATE	SUBJECT MATTER
QI2008/002	Gungari Local Government ILUA	Area agreement	QLD	15/12/2008	Co-management Government
DI2008/003	Owen Springs Gas Pipeline ILUA	Area agreement	NT	12/12/2008	Infrastructure
DI2008/001	Owen Springs Transmission Line ILUA	Area agreement	NT	12/12/2008	Infrastructure
QI2008/013	ZeroGen - Darumbal Pipeline ILU	Area agreement	QLD	01/12/2008	Pipeline
WI2005/001	SDWK Nyikina Mangala	Area agreement	WA	19/11/2008	Infrastructure
QI2008/011	Mt Etna ILUA	Area agreement	QLD	03/11/2008	Development Infrastructure
DI2008/002	Kalkarindji Indigenous Land Use Agreement	Area agreement	NT	03/11/2008	Infrastructure

This information has been extracted from the National Native Title Tribunal website: http://www.nntt.gov.au/ilua/bydate_index.html accessed 9 January, 2009. For further information about Indigenous Land Use Agreements contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

Determinations

SHORT NAME	CASE NAME	DATE	STATE/ TERR.	OUTCOME	LEGAL PROCESS
Worimi Local Aboriginal Land Council	Worimi Local Aboriginal Land Council v Minister for Lands for the State of New South Wales (No 2) [2008] FCA 1929	18/12/2008	NSW	Native title does not exist	Litigated determination
Eden Local Aboriginal Land Council	Eden Local Aboriginal Land Council v Minister for Lands and NTSCORP Ltd (unreported, FCA, 17 December 2008, Jacobson J)	17/12/2008	NSW	Native title does not exist	Consent determination

Lardil, Yangkaal, Gangalidda & Kaiadilt Peoples	Lardil, Yangkaal, Gangalidda & Kaiadilt Peoples v State of Queensland [2008] FCA 1855	09/12/2008	QLD	Native title exists in the entire determination area	Consent determination
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This information has been extracted from the National Native Title Tribunal website: <http://www.nntt.gov.au/Applications-And-Determinations/Search-Determinations/Pages/Search.aspx> accessed 8 January, 2009. 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. You will notice some items do not have a full citation because they are preliminary catalogue records.

The National Library of Australia has digitised a large number of maps, especially early ones. Users can outline an area on a diagram map of Australia and find links to many of the maps at <http://mapsearch.nla.gov.au/>.

A large collection of letters, newspaper clippings, and other material from Qld. and NSW is being archived as the Papers of P.J. Gresser. Check the MURA online catalogue for some of the items listed separately under MS 21.

Featured audiovisual material includes:

- A video of an interview with Ben Murray taken in 1988 by Jurgen Tampke (TAMPKE_J001)
- Colour slides of early artwork from the Roper River region, deposited by Cath Bowdler. (BOWDLER.C1.CS)
- Black and white photos of Torres Strait Islander dancers taken by Jeremy Beckett in 1958-1961 (BECKETT.J6.BW)
- A CD of historical photographs (1910-1920) taken of working life, individual and group portraits of Aboriginal and European people and differing dwelling types. (CAMPBELL.A1.CD)

Anthropology

Bliege Bird, Rebecca L. 'Why women hunt: risk and contemporary foraging in a Western desert Aboriginal community.' *Current Anthropology* Vol.49, no.4 (2008), p. 655-693.

McDonald, Heather. 'Australian Indigenous religions: new religious movements.' Jones, Lindsay ed. *Encyclopedia of religion* 2nd ed. Detroit, Mich: Macmillan Reference, c2005 p. 670-675.

Martin, Karen Lillian. *Please knock before you enter: Aboriginal regulation of outsiders and the implications for researchers*. Teneriffe, Qld: Post Pressed, 2008.

Uhlmann, Allon J. *Family, gender and kinship in Australia: the social and cultural logic of practice and subjectivity*. Aldershot, Hants; Burlington, Vt.: Ashgate, 2006.

Archaeology

Clarkson, Christopher. *Lithics in the land of the lightning brothers: the archaeology of Wardaman Country, Northern Territory*. Canberra, A.C.T: ANU E Press, c2007.

Jo McDonald Cultural Heritage Management. *Salvage excavation of six sites along caddies, second ponds, smalls and Cattai creeks in the Rouse Hill development area NSW*. St Lucia, Qld: Australian Association of Consulting Archaeologists, c2005.

Arts

Corn, Aaron David Samuel. 'Budutthun ratja wiyinmirri: formal flexibility in Yolngu manikay tradition and the challenge of recording a complete repertoire/ with Neparrnga Gumbula.' *Australian Aboriginal Studies* no.2 (2007), p.116-127.

Ford, Lysbeth. 'Too long, that wangga': analysing wangga texts over time.' *Australian Aboriginal Studies* no.2 (2007), p.76-89.

Grant, Stephen and Bridget Pirrie, eds. *Two laws, one big spirit: Rusty Peters, Peter Adsett*. Utrecht, [The Netherlands]: Aboriginal Art Museum Utrecht, 2004.

Marett, Allan. 'Simplifying musical practice in order to enhance local identity: the case of rhythmic modes in the Walakandha wangga (Wadeye, Northern Territory).' *Australian Aboriginal Studies* no.2 (2007), p.63-74.

Treloyn, Sally. 'Flesh with country: juxtaposition and minimal contrast in the construction and melodic treatment of jadmi song texts.' *Australian Aboriginal Studies* no.2 (2007), p.90-99.

Turpin, Myfany. 'The poetics of Central Australian song.' *Australian Aboriginal Studies* no.2 (2007), p.100-115.

Economics and policy

Australia. Parliament. House of Representatives. *Standing Committee on Aboriginal and Torres Strait Islander Affairs. Open for business: developing Indigenous enterprises in Australia*. Canberra 2008.

Biddle, Nicholas. *A regional analysis of Indigenous participation in the Western Australian labour market*. Canberra: Centre for Aboriginal Economic Policy Research, Australian National University, 2008.

Foster, Denise. *Population and mobility in the town camps of Alice Springs: a report* / prepared by Tangentyere Council Research Unit. Canberra: Desert Knowledge Cooperative Research Centre, 2005.

Memmott, Paul and Anna Meltzer. 'Social capital in Aboriginal Australia - a case study from Wadeye.' Dale, A. and J. Onyx. *Social capital & sustainable community development: a dynamic balance*. Vancouver: University of British Columbia p. 105-126.

Worth, David. *Some impacts of rising world oil prices on Australian Indigenous rural and remote communities*. Perth, W. A: National Native Title Tribunal, 2007.

Geography

Jacobs, Jane M. 'Resisting reconciliation: the secret geographies of (post) colonial Australia.' Pile, S. and M. Keith, eds. *Geographies of resistance*. London: Routledge, 1997: p.67-89.

Governance

Hunt, Janet, et al. *Contested governance: culture, power and institutions in Indigenous Australia*. Canberra, A.C.T: ANU E Press, 2008.

Marks, Greg. 'Ownership, sovereignty and coexistence: introductory remarks to ILA/HREOC seminar Indigenous Peoples and Sovereignty 14 November 2004.' *Indigenous law bulletin*, Vol. 7, No. 6 (June-July 2008), p. 21-23.

Reconciliation Australia (Organisation). Centre for Aboriginal Economic Policy Research. *Summary of year two research findings: Indigenous Community Governance Project*. [Canberra]: Reconciliation Australia, 2007

Government reports

Australia. Office of the Aboriginal Land Commissioner. *Crown Hill (Irrinjinjinjirri) land claim (claim no.106)/ report and recommendations of the Aboriginal Land Commissioner Howard Olney to the Minister for Families, Housing, Community Services and Indigenous Affairs and to the Administrator of the Northern Territory*. Darwin, N. T.: Office of the Aboriginal Land Commissioner, 2008.

Valentin, John. *An independent assessment of policing in remote indigenous communities for the government of Australia*. Canberra: Dept. of Families, Community Services and Indigenous Affairs, 2007.

Victoria. Auditor-General. *Coordinating services and initiatives for Aboriginal people*. Melbourne: Government Printer, 2008.

History and heritage issues

Ainsworth, James. *Reminiscences: Ballina in the early days: 1847-1922*. [preface by Thos. Russell]. Ballina, N.S.W: Apex 40 Ballina, 1987.

Atkinson, Alan. 'Conquest' *Australia's Empire*. Scheuder, Deryck and Stuart Ward, eds. Oxford University Press, 2008, p. [33]-53.

Barry, Amanda et al., eds. *Evangelists of empire?: missionaries in colonial history*. Melbourne: eScholarship Research Centre in collaboration with the School of Historical Studies 2008.

Donaldson, Susan Dale. *Stories about the Eurobodalla by Aboriginal people: public report : stage two Eurobodalla Aboriginal cultural heritage study*. Moruya, N.S.W: Eurobodalla Shire Council, 2006.

Gooch, Ruth. *Seal Rocks and Victoria's primitive beginnings*. Hastings, Vic: Warrangine Word, 2008.

Hipkin, Bill. *Myths & Memories: Bomaderry Children's Home 1908-2008*. Kedron, Qld: Bill Hipkin, 2008.

Jagg, F.C. et al. *Reports and correspondence relating to the Aboriginal Mission at Somerset in Queensland* [manuscript]. [1864-1868].

McDougall, Russell and Iain Davidson. *The Roth family, anthropology, and colonial administration*. Walnut Creek, Calif: Left Coast Press, c2008.

Plomley, N.J.B., ed. *Friendly mission: the Tasmanian journals and papers of George Augustus Robinson, 1829-1834*. Hobart: Quintus Publishing, 2008.

Scarlett, Philippa. *The Lock family in World War One: how service records contribute to Darug history*. Macquarie, A.C.T: Indigenous Histories, 2008.

Western Australian Planning Commission. *The changing Cockburn Coast: Aboriginal and European heritage in the Cockburn region*. Perth, W.A: The Commission, 2008.

Indexes, directories and guides:

Arwarbukarl Cultural Resource Association Incorporated. *Hunter Valley Indigenous directory*. Newcastle West, N.S.W: Arwarbukarl Cultural Resource Association, 2008.

New South Wales. Rural Lands Protection Boards. *The long paddock: a directory of travelling stock routes and reserves in New South Wales*. [Sydney, N.S.W.]: Rural Lands Protection Boards; NSW Agriculture, Resource Information Unit, c2001.

Land acquisition and land management

Appetiti, Emanuela. 'Remedies from the bush: traditional medicine among the Australian Aborigines.' Yaniv, Yohana and Uriel Bachrach, eds. *Handbook of*

medicinal plants. Binghamton, N. Y: Haworth Press, c2005, p. 175-190.

Doohan, Kim. *Making things come good: relations between Aborigines and miners at Argyle*. Broome, W.A: Backroom Press, 2008.

Durette, M. (Melanie). *Indigenous property rights in commercial fisheries* [electronic resource]: Canada, New Zealand and Australia compared. Canberra: Centre for Aboriginal Economic Policy Research, 2007. <http://www.anu.edu.au/caepr/Publications/WP/CAEPRWP37.pdf>

Gardener, Mark. *Towards more strategic management of weeds on Top End Aboriginal Lands*. Darwin: Tropical Savannas CRC, 2005.

Goulding, Megan and Kate Waters. *Eurobodalla Aboriginal cultural heritage study, South Coast New South Wales*. Hurstville, N.S.W: Dept. of Environment and Conservation, 2005.

Grey-Gardner, Robyn et al. *Remote community water management*. Alice Springs, N.T: Desert Knowledge Cooperative Research Centre, 2008.

Grey-Gardner, Robyn. *The water handbook: a guide for management of small water supplies in Australian Aboriginal settlements*. Alice Springs: Desert Knowledge CRC, 2008.

Jackson, Sue. *Indigenous interests and the National Water Initiative (NWI) : water management, reform and implementation : background paper and literature review*. Darwin: North Australian Indigenous Land and Sea Management Alliance, 2007.

Maru, Yiheyis Taddele and Michael LaFlamme. *Institutions for allocating water resources in desert towns : the Alice Springs water resource strategy*. Alice Springs, N.T: Desert Knowledge Cooperative Research Centre, 2008.

O'Bryan, Katie. 'Issues in natural resource management - inland water resources - implications of Indigenous control and management of inland waters.' *Murdoch University e law journal*, Vol. 14, No. 2 (2007), p. 280-334.

Pearce, Meryl et al. *A response to the national water initiative from Nepabunna, Yarilena, Scotdesco and Davenport Aboriginal settlements*. Alice Springs, N.T: Desert Knowledge Cooperative Research Centre, 2008.

Rose, Bruce. *Aboriginal land management issues in central Australia*. [Alice Springs, N.T.]: Central Land Council, Cross Cultural Land Management Project, 1992.

Smith, Mark Stafford. *Desert knowledge*. Adelaide, S. A.: Australian Rangeland Society, c2008.

Sydney Metropolitan Catchment Management Authority. *Bushcare with care: a field guide for bush regenerators: protecting and conserving Aboriginal landscapes*. Sydney Metropolitan Catchment Management Authority, 2008.

Tremblay, Pascal. *Desert tourism scoping study*. Alice Springs, N.T. : Desert Knowledge CRC, 2006.

Williams, Alice and Tim Sides, comps. *Wiradjuri plant use in the Murrumbidgee catchment*. Wagga Wagga [N.S.W.]: Murrumbidgee Catchment Management Authority, c2008.

Williams, Alice and Tim Sides, comps. *Wiradjuri plant use in the Murrumbidgee catchment*. Wagga Wagga: Murrumbidgee Catchment Management Authority, 2008.

Language and linguistics

Arposio, Alex. *A grammar for the Awabakal language*. Cardiff, N.S.W. : Arwarbukarl Cultural Resource Association, 2008.

Broad, Neil *Eastern and Central Arrernte picture dictionary*. Broad, Neil, comp. with Eastern and Central Arrernte speakers. Alice Springs, N.T. : IAD Press, 2008.

Harvey, Mark. *Proto-mirndi : a discontinuous language family in Northern Australia*. Canberra: Pacific Linguistics, 2008.

Mushin, Ilyana and Brett Baker, eds. *Grammar and discourse in Australian languages*. Amsterdam; Philadelphia: John Benjamins Pub., 2008.

Naessan, Petter. 'Some tentative remarks of the sociolinguistic vitality of Yankunytjatjara in Coober Pedy, South Australia.' *Australian Journal of Linguistics* Vol. 28, no. 2 (October 2008), p. [103]-138.

Wafer, James, Amanda Lissarague and Jean Harkins, eds. *A handbook of Aboriginal languages of New South Wales and the Australian Capital Territory*. Nambucca Heads, N.S.W7: Muurrbay Aboriginal Language and Culture Co-operative, 2008.

Walsh, Michael. 'Australian Aboriginal song language: so many questions, so little to work with'. *Australian Aboriginal Studies* no.2 (2007), p. 128-144.

Legal issues

Anthony, Thalia. 'Unresolved tensions: Warlpiri law, police powers and land rights'. *Indigenous Law Bulletin*. Vol. 7, no. 5 (May 2008), p. 9-10, 16-18.

Behrendt, Larissa. *Different directions to protect and promote the rights of indigenous Australians*. Sydney : NSW Young Lawyers, 2008.

Brennan, Sean. 'Government expropriation for private profit hits Aboriginal land hardest.' *Indigenous Law Bulletin*. Vol. 7, no. 6 (June-July 2008), p. 2-3.

Brennan, Sean and Peta MacGillivray. 'Fishing case tests economic waters for traditional owners.' *Indigenous law bulletin*, Vol. 7, No. 2 (Dec. - Jan (2008), p. 18-20.

Chesterman, John. 'Toward Indigenous recognition in the Australian Constitution: getting the words right.' *Indigenous Law Bulletin*. Vol. 7, no. 5 (March / April 2008), p. 10-13.

Collings, Neva. 'A guide to environmental law for Aboriginal communities.' *Indigenous Law Bulletin*, Vol. 7, No. 2 (Dec.-Jan. 2008), p.2,3.

David, Megan. 'Indigenous rights and the Constitution: making the case for constitutional reform'. *Indigenous Law Bulletin*, Vol. 7, no.6 (June-July 2008), p.6-8.

Mackay, Erin. 'Recent developments: copyright and the protection of Indigenous art.' *Indigenous Law Bulletin*, Vol. 7, No. 2 (Dec. - Jan. 2008), p. 11-13.

Nettheim, Garth. 'The Maya land rights case: recognition of native title in Belize'. *Indigenous law bulletin*, Vol. 7, No. 2 (Dec. - Jan. 2008), p. 25-26.

Popic, Linda. 'Compensating Canada's 'stolen generations''. *Indigenous law bulletin*, Vol. 7, No. 2 (Dec. - Jan. 2008), p. 14-17.

Native title cases

National Native Title tribunal. *The Djabugay people's native title determination December 2004: what it means and how it will work*. Cairns, Qld: Cairns Office, National Native Title Tribunal, 2004.

Native Title practice

Farrell, Rita. *'Hot Tubbing' anthropological evidence in native title mediations*. Perth, WA: National Native Title Tribunal, 2007.

Farrell, Rita, John Catlin and Toni Bauman. *Getting outcomes sooner: report on a native title connection workshop, Barossa Valley, July 2007*. Perth, W.A: National Native Title Tribunal ; Acton, ACT : Australian

Institute of Aboriginal and Torres Strait Islander Studies, c2007.

Procedures and protocols – Archives and Libraries

Bettington, Jackie, et al ed. *Keeping archives*. Dickson, A.C.T.: Australian Society of Archivists Inc., 2008

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THE NATIVE TITLE RESEARCH UNIT

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