

AIATSIS

AUSTRALIAN INSTITUTE OF ABORIGINAL AND TORRES STRAIT ISLANDER STUDIES

Native Title Research Unit

NATIVE TITLE NEWSLETTER

November and December 1999

No. 7/99

The Native Title Newsletter is published on a bi-monthly basis. The newsletter includes a summary of native title as reported in the press. Although the summary canvasses papers from around Australia, it is not intended to be an exhaustive review of developments.

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

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List of abbreviations

Note: Where an item also appears in other newspapers, etc, an asterisk () will be used. People are invited to contact the Native Title Research Unit at AIATSIS if they want the additional references. The NTRU will try to provide people with copies of recent newspaper articles upon request.*

Ad = Advertiser (SA)	LRQ = Land Rights Queensland
Age = The Age	Mer = Hobart Mercury
Aus = Australian	NNTT = National Native Title Tribunal
CM = Courier Mail (QLD)	NTA = <i>Native Title Act 1993</i>
CP = Cairns Post	NTN = Native Title News (State editions)
CT = Canberra Times	SC = Sunshine Coast Daily
DT = Daily Telegraph	SMH = Sydney Morning Herald
FinR = Financial Review	TelM = Telegraph Mirror (NSW)
HS = Herald Sun (VIC)	WA = West Australian
KM = Kalgoorlie Miner	WAus = Weekend Australian
IM = Illawarra Mercury	
LE = Launceston Examiner	

NEWS FROM THE NATIVE TITLE RESEARCH UNIT

The NTRU has undergone a recruitment process. We are happy to report that Dr Lisa Strelein has been reappointed as a Visiting Research Fellow for the next three years. Ms Ros Percival has been reappointed as the Administrative Assistant. We welcome new staff members to the Native Title Research Unit, Ms Jessica Weir as Research Assistant, Dr George Boeck as Publications Officer and Mr David Leigh as Native Title Research and Access Officer. Kado Muir is acting in the position of Deputy Director of Research as well as maintaining his role in the NTRU.

We hope that the new year will be a fruitful and productive one.

The Native Title Research Unit would like to acknowledge the appointment of Commissioner Geoff Clark as the first elected Chair and Commissioner Ray Robinson as the first elected Deputy Chair of the Aboriginal and Torres Strait Islander Commission. The Institute also acknowledges the valuable contribution of Commissioner Clark as a member of the NTRU Advisory Committee during his previous term as ATSIC Commissioner with portfolio responsibility for native title. We wish the Chair, Deputy Chair and the Commissioners every success in their coming term.

Current Issues

This is my last contribution to the Newsletter for 1999, making it a moment to look forward.

The recent signing of a funding agreement between the Institute and ATSIC will ensure the Native Title Research Unit will continue for the next three years.

We have now finalised the recruitment of staff to fill positions open since mid-1999. We look forward to a New Year with a full compliment of staff to make the Unit's activities vigorous rather than hectic.

We expect to publish several volumes in 2000 and to return to monthly Issues Papers. We look forward to investigating some emerging native title issues in biodiversity and the environment. The practical issues presented by the Native Title Act and the legal framework will continue to be a focus as will governance and native title.

The Yorta Yorta and Miriuwung Gajerong decisions should be handed down soon, giving further legal clarification on native title. However I do wonder if the obsession with precedent is misplaced given that native title is unique to the particular cultural and historical circumstances of each claimant group and is always different. I expect as well that many of you working in native title will be making submissions on the CERD decision to the Joint Parliamentary Committee on Native Title and the Land Fund. There will be a short submission period with the report due in April 2000, so I encourage you to keep a close eye on the dates.

Finally, I would like to begin the New Year with some thoughts on the connection between native title and water. Water, as a resource is a topical issue at the moment and a central feature in many current native title claims. I come from the desert where people are mindful that water is the difference between life and death, giving it a central role in social, cultural and spiritual life. The same can be said of water right across Australia. Its ownership, use and regulation can be a tense issue that deserves to be approached with sensitivity and respect. I am discussing with colleagues a possible research project or series of Issues Papers on the topic.

Kado Muir
Native Title Research Unit, AIATSIS

VICTORIAN INDIGENOUS WORKING GROUP STATE WIDE CONFERENCE

University of Melbourne, 9- 10 December 1999

The Victorian Indigenous Working Group held the first state wide conference on native title and cultural heritage at the University of Melbourne. The purpose of the Conference was two-fold, to provide and share information and to develop strategies and future directions for the VIWG.

The morning plenary sessions saw speakers from key organisations, such as Mirimbiak Nations Aboriginal Corporation, the National Native Title Tribunal, the National Indigenous Working Group, Indigenous Land Corporation and Aboriginal Affairs Victoria.

Representatives from the Victorian Department of Justice outlined the new Victorian Labor government's policy on native title. They also presented the different implementation options that were being presented by the department with respect to assistance for applications, approaches to mediation and regional agreements and identified what was and was not likely to change under the new government. The Department invited input from the VIWG to the policy options, an invitation that is likely to be pursued early in the new year against the backdrop of the Conference.

The afternoon sessions provided an opportunity for delegates to discuss strategic approaches to negotiation with government in relation to native title, cultural and natural heritage and, importantly, the operation of representative structures for Indigenous peoples in Victoria. The issues addressed were broad ranging but were tied together to provide a focused strategic direction for the Working Group in the coming year. The notes from the workshops were compiled and will form the basis for a report, together with papers from the speakers, into a final report to be produced in the new year.

Congratulations to Monica Morgan and her team of organisers for a well run and important event. Thanks also to the Melbourne University Indigenous Unit for their hospitality. The staff of the Native Title Research Unit was pleased to be able to attend the Conference and lend our support by facilitating sessions, presenting papers and assisting with set up and other organisation on the day.

Lisa Strelein
Native Title Research Unit, AIATSIS

WORKSHOP ON NATIVE TITLE CONNECTION REPORTS

Queensland Indigenous Working Group

The Queensland Indigenous Working Group in co-operation with the Central Queensland Land Council held a workshop in Mackay on 11th and 12th November 1999 on behalf of the combined Queensland Representative Bodies. The workshop was held to enable Queensland Representative Bodies to strategically consider current practice when providing evidence for native title processes. Participants met to establish best practice models which minimise the amount of evidence and associated costs required and which deal with issues of confidentiality and Aboriginal law regarding ownership of knowledge.

Well prepared briefing papers written by Peter Whalley and Bruce White were distributed to participants along with a range of relevant literature. The papers highlighted a perceived shift from the requirement of claimants to gain the Queensland Government's Executive approval to an internal Government Departmental assessment process regarding their credibility as applicants.

Of particular concern was the requirement of the Queensland Government for the compiling and presentation of Connection Reports as a prerequisite for negotiated and mediated agreements and for the Government's participation in such processes. The Reports are aimed at establishing applicant groups as the traditional owners of areas claimed.

The words 'Connection Report' do not appear in any legislation and their content is unspecified in statute. The Queensland Government requires that Connection Reports be forwarded to the Director of the Native Title Services, kept in a locked cupboard and assessed within the Historical and Anthropological Unit of Native Title Services within the Department of the Premier and Cabinet. A recommendation is then made to the Executive of the State Government confirming the identity of the applicant group as recognised traditional owners.

The Historical and Anthropological Unit is a multi-disciplinary team with expertise in history, anthropology, archaeology and linguistics. It has produced a document 'Compiling a Connection Report', the preface to which stresses that it is intended only as a 'guide' and that the information is not intended as a 'template'. Nonetheless the suggestions within are comprehensive and detailed, drawing upon all of the above disciplines and requiring both primary and secondary research. Dates for the establishment of British sovereignty are set between 1788 and 1879 depending upon location.

Participants at the workshop acknowledged that there was some benefit for applicants and other interested parties in the recording of at least some kinds of information required in Connection Reports. There were reports of applicants

being pleased with having such records for posterity and of their importance as a useful educational tool in mediation, negotiation and consent determinations. They may also provide an avenue for applicants to establish their bona fides outside a court hearing and a trigger for the positive participation of other non-indigenous parties.

But participants also had a number of concerns. In the first instance, the criteria for assessment is open ended and no clear direction is provided for the costly and time consuming processes implicated. The document states that the assessment process will involve examining the range of contemporary and retrospective sources used in its compilation, how that information has been reconciled to present a continuous record and how the sources have been analysed to interpret and support the claim.

Secondly, there is no uniformity of practice and standard across Representative Bodies surrounding Connection Reports. Because of the legal privilege which surrounds such documents and issues of confidentiality, CQLC have been unable to obtain copies of examples of Connection Reports; only one Representative Body responded to their request for even a list of contents for background material for the workshop.

Thirdly, the Government document gives no indication as to the extent and degree of detail of the research required. The criteria which forms the bases of requests to Representative Bodies for additional information is unknown. This leaves questions regarding what would constitute a reasonable request and how might Representative Bodies comply with such requests when compliance might come at considerable cost.

The Premier has recognised that the requirement of Connection Reports places a strain on resources, and has increased funding to the Historical and Anthropological Unit who are offering assistance to Representative Bodies in locating records and compiling reports although the extent of such assistance across the State is unclear.

Thus, there is considerable uncertainty amongst Representative Bodies surrounding the requirement for Connection reports. There are no transparent processes of requirements, no general agreements in emerging practice, no critical discussions about form and content and broadly, no shared information which could lead to the development of standards acceptable to all.

Given the limits of funding to Representative Bodies, there is also a potential for a shallow research base and minimal community consultation in their preparation. This is of considerable concern to applicants who are being forced to expose their evidentiary position in the mediation process prior to litigation

rather than presenting such information through the court processes within rules of law.

Connection reports might also be best prepared towards the end of the claims process, thereby allowing maximum time for research. It is through the claims process that the dynamics of the applicant group is established, presenting as it does, unique opportunities for applicants to meet and to share knowledge - in some instances, for the first time. During these processes they become more familiar with native title requirements and learn how to articulate relationships to land in legislative terms.

One school of thought at the Workshop held that the new more rigorous Registration Test for native title applicants might be seen as producing sufficient information to trigger mediation, particularly given that Representative Bodies must sign off on applications and that applicants have already signed affidavits. Other suggestions involved 'whole of region' reports and research processes.

The Combined Representative Bodies of Queensland, through the QWIG, are approaching the Native Title Services of the Department of Premier and Cabinet in an attempt to establish more acceptable practice, greater understanding and more transparency. Workshop proceedings are currently being prepared at the Central Queensland Land Council and it is hoped to activate a working group towards this end. Such workshops are crucial to the development of unified positions in the dealings of Representative Bodies with Governments.

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Legal and Anthropological Consultants Phone 0418-601285.

NATIVE TITLE IN THE NEWS - NOVEMBER & DECEMBER 1999

International

The Commonwealth Association of Indigenous Peoples (CAIP) was officially launched at the Commonwealth Heads of Government Meeting (CHOGM) in Durban, South Africa on 12 November 1999. CAIP's objectives include providing and promoting links between Indigenous People's of the Commonwealth and assisting in the development of sustainable solutions to land rights conflicts. (see article page 13) (*LRQ, Dec 1999, p16*)

National

Senator John Herron, Minister for Aboriginal and Torres Strait Islander Affairs, announced an extension of time for the transition period for the selection of Native Title Representative Bodies from 30 October 1999 to 30 June 2000. The transition period was to allow for the selection of eligible bodies for recognition as Representative Bodies under the amended *Native Title Act*. Senator Herron stated that the process of selecting bodies for recognition had proven to be complex and time consuming. (*NTN (Qld)*, Nov 1999, p1)

Delegates attending the Fish Rights 99 conference in Perth, Western Australia, called on all Australian governments to recognise Indigenous ownership and management of the sea, inland waterways and their resources. Mr Parry Agius, Chairperson of the National Indigenous Working Group, stated that the government was not being threatened but was being advised. 'The longer the government and other interests continue to ignore Indigenous rights the greater the implications will be for further litigation and compensation issues', he said. (*Media Release, NSW Aboriginal Land Council, 18 Nov*)*

The full Federal Court dismissed a federal Government appeal seeking to overturn the Croker Island decision. All three judges rejected the federal Government's argument that native title could not exist in offshore waters. However a 2 to 1 majority rejected the appeal by the native title claimants that native title gave them exclusive possession of the seas around Croker Island. (*Aus, 4 Dec, p4*)*

The National Native Title Tribunal is holding workshops around Australia on Native Title Corporations, for native title applicants and their representatives. The workshops will focus on practical issues involved in developing corporate structures to manage native title. Corporations called *registered native title bodies corporate* need to be established when the Federal Court makes a determination of native title. A new guidebook on the design of native title corporations has been published to coincide with the workshops. (See article page 14) (*NNTT Media Release, 3 Nov*)

Victoria

The Swan Hill local Aboriginal community has compiled a 300-page connection report as the first step towards making a native title claim. The claimants represent 8 Aboriginal clan groups in north west Victoria, including Waidi Waidi and Wamba Wamba in Swan Hill. (*The Guardian (Swan Hill)*, 29 Oct, p3)

The National Native Title Tribunal will begin mediation meetings between the Wotjobaluk people and about 500 respondents to a native title claim covering an area of land in Victoria's Wimmera region. The respondents represent shire councils, pastoralists, mining companies and recreational users. (*Age*, 15 Nov, pA4)*

The Taungurung People's native title application was accepted for registration under section 190A of the Native Title Act. The application covers mining and exploration licence proposals near Woods Point in Central Victoria. (*NTN (Vic/Tas)*, Dec 99, p3)

Victoria currently has twenty four claimant applications, down from forty four after many applications combined as part of the registration test process. Eleven applications by 6 communities have so far passed the registration test and 8 claims are still to be tested. (*NTN (Vic/Tas)*, Dec 99, p3)

Queensland

The Gudjuda Reference Group opened a new office in Ayr to discuss native title issues affecting the Birra-Gubba people. ATSIC regional councillor Eddie Smallwood said the Gudjuda Reference Group would be taking a professional approach to native title issues affecting the Burdekin area. (*The Advocate (Ayr)*, 3 Nov, p6)

Caloundra, Maroochy, Noosa and Caboolture Shire Councils have joined in a native title pilot project to assist the councils when dealing with native title claims. (*Northern Times*, 19 Nov, p5)

The Native Title (Queensland) State Provisions Amendment Bill 1999 is currently waiting Commonwealth approval. The Queensland government is seeking thirteen determinations from the Commonwealth Attorney General that the legislation complies with the Native Title Act. Native Title Representative Bodies in Queensland can make submissions relating to 9 of the proposed determinations. (*NTN (Qld)*, Dec '99, p4)*

Brisbane barrister Gregory Koppenol has been appointed president of the Queensland Land and Resources Tribunal. The Tribunal was set up recently to resolve native title disputes. (*CM*, 10 Dec, p2)

Queensland Premier, Peter Beattie, released draft Indigenous Cultural Heritage legislation for public consultation. Under the proposed legislation government appointed assessors would examine the Indigenous cultural heritage of sites and objects. (*Age*, 23 Dec, pA4)*

Western Australia

Democrats MLC Helen Hodgson claimed the Western Australian Government may face a United Nations reprimand over its extinguishment of native title on 1300 of the State's land leases. The legislation validating the leases has been passed in the Lower House and has passed the second reading in the Upper House. *(WA, 15 Nov, p37)*

The Native Title (State Provisions) Bill to introduce a State-based native title regime for Western Australia was passed by the Legislative Assembly. Labor voted against the Government Bill after failing to amend it. *(WA, 27 Nov, p51)**

Participants in the North Eastern Goldfields Ranges project have established a committee to negotiate future land-use plans for the region. Members from sector groups including Aboriginal, pastoral, mining, tourism, conservation and recreation groups agreed at a workshop, to start combining their own land-use plans into one major management plan. *(KM, 5 Nov, p6)*

A policy advocating a new approach to native title based on negotiation rather than legislation has been developed by the WA Aboriginal Native Title Working Group which represents all Western Australian land councils and representative bodies. Aboriginal spokesmen Pat Dodson and Brian Wyatt joined executives from Rio Tinto and Hamersley Iron to discuss the policy at a meeting in Perth. *(WA, 15 Dec, p4)**

Northern Territory

Innesvale station, covering 2820 square kilometres south-west of Katherine, has been returned to its traditional Aboriginal owners, the Wardaman people, following a 1996 agreement with the Northern Territory Government. *(Ad, 5 Nov, p13)**

APPLICATIONS

National

The National Native Title Tribunal posts summaries of registration test decisions on their website at: <http://www.nntt.gov.au>

The following decisions are listed for November and December.

Arabunna People's Native Title Claim	pass	Doris Fletcher	pass
Edward Landers Dieri People's Native Title Claim	pass	Taungurung People (Combined Application)	pass
Arnold Franks	pass	Howard River East	pass
		Howard River East TQ	pass

Sec 4131 Hundred of Strangways	pass	Broulee Claimant Group	pass
Section 4131 Strangways (TQ)	pass	Swanbourne	sff
Lot 5976 East Point	pass	Wanneroo Road	sff
Turrbal People	pass	Daly River	sff
Innawonga, Bunjima & Niapaili	pass	NW Victoria Combined Clans	sff
Ivy Bindaye	pass	Ngalia & Mantjintjarra Peoples	sff
Kombumerri	sff	Ballina, Bunjalung #3	sff
Kombumerri People #2	sff	Boigu Islanders	sff
Pamela Simon	pass	Jabiru Township	pass
Gumbaynggirr	pass	Cosmo Newberry	pass
Taungurung People	pass	John Dudu Nangkiriny & Ors	pass
Kalkadoon People		Martu Idja Banyjima People	pass
(Combined application)	pass	Ning Bingi	pass
Madigan Thomas & others	pass	Middle Arm	pass
Town of Katherine	pass	s2413 Hundred of Cavenagh	pass
Dharawal People	pass	Pandawn Descendants	
Stephen Seiver	dnp	(amended 22/12/99)	dnp
Worimi Aboriginal People	sff	Baker Lake	pass
		Tjirrkarli Kanpa	pass

Sff - Short form failure - means that the application was tested against a limited number of conditions.

Dnp - did not pass - does not necessarily mean that native title does not exist. The applicant may still pursue the application for determination of native title. If an application does not pass the registration test the applicant may seek a review of the decision in the Federal Court.

Queensland

A native title claim over Malanda Falls has been withdrawn and a new claim covering the same area as the original application but excluding the falls area has been lodged with the Federal Court. (*CP, 27 Nov, p7*)

Wakka Wakka People [NNTT Ref# QC99/33]

The Wakka Wakka People's application was lodged in the Federal Court on 18 November 1999. The new claimant application covers an area in Central Queensland around the townships of Biggenden, Kingaroy, Gayndah and Monto. (*NTN (Qld), Dec '99, p2*)

South Australia

Six overlapping native title claims on South Australia's far west coast have been combined into one application. The combined claim covers an area from near

Streaky Bay in the east to the South Australian/Western Australian border in the west and from the transcontinental railway line in the north to the south coast and stretches 30 kilometres out to sea from the SA/WA border. The claims which amalgamated are the Mirning, Wirangu No. 1, Maralinga Tjarutja, Yalata, Western Kokatha (Yabi Dinah) and Ted Roberts. The new application will be known as the Urlparirra Wilurarra native title claim. (*Ad, 6 Nov, p13*)*

AGREEMENTS

Victoria

A mining agreement has been reached between Yallourn Energy Pty Ltd and representatives of the Gunai/Kurnai People of Gippsland. The 30 year, confidential agreement is a result of negotiations between the parties after the right to negotiate process was implemented following the Victorian Government's announcement of its intention to grant a mining licence to Yallourn Energy for coal mining in the La Trobe Valley near Morwell. Yallourn Energy asked the National Native Title Tribunal to arbitrate after initial negotiations failed to resolve the issues between the parties. After the Tribunal had begun to hear evidence and arguments on the matter the Gunai/Kurnai group and Yallourn Energy told the Tribunal they had reached an agreement and requested a consent determination. Tribunal Member Mr Chris Sumner congratulated the parties on resolving the matter by agreement. Yallourn Energy will establish a trust fund to help educate and train local young Aboriginal people. A joint plan is also being developed to manage sites of Aboriginal significance in the area. (*NNTT Media Release, 4 Nov*)*

Victoria's first Indigenous Land Use Agreement was registered on 15 November following a 3 month public notification period. The Agreement between BHP Petroleum, Aboriginal groups in western Victoria and the State Government has been registered under the amended Native Title Act. The parties to the agreement are the Kirrae Whurrong Native Title Group, the Framlingham Aboriginal Trust, BHP Petroleum Pty Ltd and the State of Victoria. The agreement covers access to land affected by the Minerva Gas Field Development project near Cape Otway. (*The Standard (Warrnambool), 19 Nov, p5*)*

Queensland

The Queensland Government is to negotiate an Indigenous Land Use Agreement in relation to the proposed development of a park and recreation reserve in the township of Blackall. The proposed agreement involves the establishment of a new park and recreational facility including seating, shelter sheds and walkways. (*NTN (Qld), Dec '99, p2*)

Northern Territory

A native title agreement has been reached between the Northern Land Council and US exploration company, Phillips, operator of the Timor Sea-based Bayu-Undan natural gas field. The agreement allows Phillips to build a reception and processing plant on Larrakia land at Wickham Point, Darwin Harbour. Phillips Australia Darwin area manager, Jim Godlove, stated that a plant could be required as soon as the Bayu-Undan reserve was ready to supply gas, in about 2004. (*NTN, 20 Nov, p6*)

COMMONWEALTH ASSOCIATION OF INDIGENOUS PEOPLES

The newly formed Commonwealth Association of Indigenous Peoples was officially launched at the Commonwealth Heads of Government Meeting (CHOGM) in November in Durban, South Africa.

A meeting of Indigenous people from various parts of the Commonwealth, held at the University of London in July 1999, supported the formation of an organisation to progress the interests of Indigenous peoples in the Commonwealth. CAIP was formed following this meeting. Fifteen Indigenous People's organisations from across the Commonwealth are founding member organisations.

CAIP's objectives are:

- to provide and promote links between Indigenous Peoples of the Commonwealth;
- to advocate the interests of Indigenous Peoples within Commonwealth fora;
- to promote understanding and education of the identity and status of Indigenous Peoples within the Commonwealth;
- to strengthen information exchange, research and publicity on a pan-Commonwealth basis on Indigenous issues;
- to promote the elimination of racial discrimination against Indigenous peoples;
- to assist in the development of sustainable solutions to land rights conflicts arising over shared territories; and
- to develop recognition of the unique contributions Indigenous peoples make to the family of Commonwealth nations.

Membership is open to Indigenous peoples organisations from within the Commonwealth whose objectives and functions are consistent with the objectives of CAIP. (LRQ, Dec 99)

Further information is available from Shane Hoffman, Secretary, CAIP, FAIRA, C/- doCip, 14 Avenue Trembley, 1209 Geneva, Switzerland.

Recent publications

The publications reviewed here are not available from AIATSIS. Please refer to individual reviews for information on obtaining copies of these publications.

Guide to the design of native title corporations. Christos Mantziaris and David Martin. 1999. National Native Title Tribunal.

Native title corporations, or prescribed bodies corporate (PBCs), are the Federal Parliament's answer to the legal and organisational question of how native title is to be held and managed. PBCs are required by the *Native Title Act 1993* and by the Native Title (Prescribed Bodies Corporate) Regulations to be the trustees or agents of native title holders - once their native title rights have been recognised. This guide sets out to identify the difficulties for native title claimants of these legislative requirements, and to promote awareness of the options available to claimant groups. The authors have looked at the range of purposes for which PBCs may be established and the various circumstances that may provide the impetus for the creation of such a body. The legal framework for the holding and management of native title is covered in the guide and draws on concepts from the law of trust, agency and corporations. The intricacies of the current legislative scheme and its implications are explained and critiqued. The guide is intended for Indigenous communities and their representatives, administrators and other non-legally trained parties who have an interest in the design of PBCs. It is the shortened 'plain English' version of a book entitled *The design of native title corporations: a legal and anthropological analysis* which is also published by the NNTT. The guide is available from the National Native Title Tribunal, Freecall 1800 640 501, or GPO Box 9973, Perth, WA 6001.

Environmental and Natural Resources Management by the Maori in New Zealand. Discussion Paper 6 by Gary D. Meyers and Catherine M. Cowan. 1999.

University of New South Wales and Murdoch University

The University of NSW and Murdoch University are currently producing a series of papers addressing the question of 'fit' between traditional forms of Indigenous land 'ownership' and control, and the non-Indigenous legal system.

Environmental and Natural Resources Management by the Maori in New Zealand is part of this series. This paper provides an overview of the history of Maori settlement in New Zealand, their traditional systems of customary law and land ownership, and the dispossession which occurred with the arrival of the British colonists.

The paper explains the significance of the Waitangi Treaty (signed in 1840 by the Maori Chiefs and representatives of the British Crown) and how it was used by the New Zealand Government in the 19th and 20th centuries. In 1975 the Waitangi Tribunal was established to hear and inquire into Maori claims arising from the Treaty. The paper discusses the recent work of the Tribunal with land/fishery claims, as well as Maori interests in the mining industries.

Native Title Research Unit publications

The following NTRU publications are available from AIATSIS. Please phone (02) 6246 1161, fax (02) 6249 1046 or email: ntru@aiatsis.gov.au. Prices listed include postage.

Regional Agreements: Key Issues in Australia - Volume 2, Case Studies
Edited by Mary Edmunds, 1999. (\$19.95)

A Guide to Overseas Precedents of Relevance to Native Title Prepared for the NTRU by Shaunnagh Dorsett and Lee Godden, 1998. (\$18.95)

Working with the Native Title Act: Alternatives to the Adversarial Method
Edited by Lisa Strelein, 1998. (\$9.95)

Regional Agreements: Key Issues in Australia - Volume 1, Summaries.
Edited by Mary Edmunds, 1998. (\$16.95)

A Sea Change in Land Rights Law: The Extension of Native Title to Australia's Offshore Areas by Gary D. Meyers, Malcolm O'Dell, Guy Wright and Simone C. Muller, 1996. (\$12.95)

Heritage and Native Title: Anthropological and Legal Perspectives
Proceedings of a workshop conducted by the Australian Anthropological Society and AIATSIS at the ANU, Canberra, 14-15 February 1996 (\$20)

The Skills of Native Title Practice Proceedings of a workshop conducted by the NTRU, the Native Title Section of ATSIC and the Representative Bodies, 13-15 September 1995 (\$15)

Anthropology in the Native Title Era Proceedings of a workshop conducted by the Australian Anthropological Society and the Native Title Research Unit, AIATSIS, 14-15 February 1995 (\$11.95)

Claims to Knowledge, Claims to Country: Native Title, Native Title Claims and the Role of the Anthropologist Summary of proceedings of a conference session on native title at the annual conference of the Australian Anthropological Society, 28-30 September 1994 (out of print)

Proof and Management of Native Title Summary of proceedings of a workshop conducted by the Native Title Research Unit, AIATSIS, on 31 January-1 February 1994 (\$9.95).

The following publications are available free of charge from the Native Title Research Unit, AIATSIS, Phone (02) 6246 1161, Fax (02) 6249 1046:

Issues Papers published in 1998 and 1999:

- No. 30 ***Building the Perfect Beast: Native Title Lawyers and the Practise of Native Title Lawyering*** by David Ritter and Merrilee Garnett
- No. 29: ***The compatibility of the amended Native Title Act 1993 (Cth) with the United Nations Convention on the Elimination of All Forms of Racial Discrimination*** by Darren Dick and Margaret Donaldson
- No. 28: ***Cultural Continuity and Native Title Claims*** by Ian Keen
- No. 27: ***Extinguishment and the Nature of Native Title, Fejo v Northern Territory*** by Lisa Strelein
- No. 26: ***Engineering Unworkability: The Western Australian State Government and the Right to Negotiate*** by Anne De Soyza
- No. 25: ***Compulsory Acquisition and the Right to Negotiate*** by Neil Löfgren
- No. 24: ***The Origin of the Protection of Aboriginal Rights in South Australian Pastoral Leases*** by Robert Foster
- No. 23: ***'This Earth has an Aboriginal Culture Inside' Recognising the Cultural Value of Country*** by Kado Muir
- No. 22: ***'Beliefs, Feelings and Justice' Delgamuukw v British Columbia: A Judicial Consideration of Indigenous Peoples' Rights in Canada*** by Lisa Strelein
- No. 21: ***A New Way of Compensating: Maintenance of Culture through Agreement*** by Michael Levarch and Allison Riding
- No. 20: ***Compensation for Native Title: Land Rights Lessons for an Effective and Fair Regime*** by J. C. Altman

Regional Agreements Papers published in 1998 and 1999

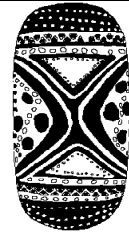
- No. 7: ***Indigenous Land Use Agreements: New Opportunities and Challenges under the Amended Native Title Act*** by Dianne Smith
- No. 6: ***The Yandicoogina Process: a model for negotiating land use agreements*** by Clive Senior
- No. 5: ***Process, Politics and Regional Agreements*** by Ciaran O'Faircheallaigh

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This newsletter was prepared by Ros Percival



AIATSIS



Research Grants Program 2000

**The Australian Institute of Aboriginal and Torres Strait
Islander Studies invites applications for research grants for the
2000-2001 financial year.**

**The Research Grants program funds a wide range of research in areas such as history
(including family & community history), politics and law, public policy, health, education,
linguistics, anthropology, archaeology and arts.**

**The Institute does not fund publication or production costs, returning materials to communities
or research for native title claims.**

Application forms and information available from:

The Research Administrator
AIATSIS
PO Box 553
CANBERRA ACT 2601

Website: AIATSIS homepage
www.aiatsis.gov.au

Phone: 02 6246 1145 or 02 6246 1157
Email: ffb@aiatsis.gov.au or felicity@aiatsis.gov.au

Closing date for applications: 31 January 2000

Referee reports: 1 March 2000

Funding for successful applicants available from end July 2000