

# Native Title Newsletter

July/August, No. 4/2008

## WHAT'S NEW

**PBC profiles are now up online:**

[http://ntru.aiatsis.gov.au/major\\_projects/pbc\\_profiles.html](http://ntru.aiatsis.gov.au/major_projects/pbc_profiles.html)

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# Blue Mud Bay: Northern Territory of Australia v Arnhem Land Aboriginal Land Trust [2008] HCA 29

By Tran Tran, Research Officer,  
NTRU

On 30 July 2008 the High Court handed down its Blue Mud Bay decision recognising that the rights and interests held by the Yolgnu people under the *Aboriginal Land Rights Act (Northern Territory) 1976* (Cth) (the Land Rights Act) included the right to make decisions about who enters their waters irrespective of the operation of the *Fisheries Act 1988* (NT) (Fisheries Act). The decision has significant economic and political implications by providing leverage for negotiating with industry and a starting point for economic development.

Blue Mud Bay lies within the Arnhem Land Mainland Grant which is a grant of freehold title to the Aboriginal Land Aboriginal Land Trust (the Land Trust).<sup>1</sup> In the decision, the High Court held in a majority of 5:2 that the Land Trust has the ability to exclude others from entering or remaining on Aboriginal Land as defined under the Land Rights Act. This exclusion operates unless one of three exemptions apply. The relevant exemption in this case was that people may enter or remain on Aboriginal land under a law of the Northern Territory. Accordingly, the central legal question of the decision was whether granting a fishing license amounts to such an exemption.<sup>2</sup>

The decision was reached primarily on principles of statutory interpretation. The majority accepted the

argument that even though the Fisheries Act controlled fishing within the boundaries of Aboriginal land and waters, a fishing license is not sufficient to confer permission to enter or remain on Aboriginal land.

The scope and function of fishing licenses was viewed narrowly as regulating an activity as opposed to authorising entry into a particular area. The Northern Territory Government, the Director of Fisheries, the Northern Territory Seafood Council and the Commonwealth raised two main arguments in their cases that:

- There is a common law or public right to fish in tidal waters which has not been removed by the Fisheries Act;<sup>3</sup> and
- The Land Rights Act does not extend to intertidal waters.

In considering these arguments, the High Court recognised that there was a public right to fish under the Magna Carta but found that this right can be easily removed or regulated by legislation.<sup>4</sup> After considering the provisions

of the Fisheries Act the High Court concluded the extensive provisions regulating fishing had removed any common law or public right to fish in tidal waters. This contrasts with the position taken by the High Court in the Croker Island Case<sup>5</sup>, in which it was suggested that the public right to fish was among the skeletal principles of the law of England that could not be

adapted to accommodate an exclusive native right or rights approaching exclusivity. The reasoning in Blue Mud Bay more reflects the views of Kirby J in his minority decision. Accordingly, any right to fish would need to either be conferred by the Fisheries Act or not excluded under the Land Rights legislation. The High Court focused on whether the Fisheries Act or a license under the Fisheries Act conferred a right to enter any particular area. After considering the provisions of the legislation the High Court found that even though it did specify where fishing was not permitted it did not specify where fishing was permitted, that is, the licenses are not connected to a particular case.<sup>6</sup> The court also considered the common law right to navigation. They held that the right to navigate

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<sup>1</sup> [2], [4], [5] per Gleeson CJ, Gummow, Hayne and Crenaan JJ.

<sup>2</sup> [17] per Gleeson CJ, Gummow, Hayne and Crenaan JJ.

<sup>3</sup> [19] per Gleeson CJ, Gummow, Hayne and Crenaan JJ.

<sup>4</sup> [23], [24]-[29] per Gleeson CJ, Gummow, Hayne and Crenaan JJ.

<sup>5</sup> *Commonwealth v Yarmirr* [2001] HCA 56.

<sup>6</sup> [36] per Gleeson CJ, Gummow, Hayne and Crenaan JJ.

through waters did not carry with it a right to fish; it merely explained the method of entry to a place.

The next issue was whether or not the Land Trust has the power to exclude people from intertidal waters on Aboriginal land under the Land Rights Act. There was some disagreement within the High Court as to whether or not the Land Trust was an 'owner' with this ability. Justice Kiefel argued that Aboriginal ownership of land is primarily a spiritual affair rather than a bundle of rights' and that the grant of freehold to Aboriginal people did not confer ownership.<sup>7</sup> Both Kiefel and Heydon JJ applied the ordinary meaning of land to find that the land granted to the Land Trust was soil only, not the tidal waters covering the area from the high water mark to the low water mark.<sup>8</sup> Justice Heydon felt that the definition of 'traditional land claim' and 'traditional owners' supported the ordinary meaning of land.<sup>9</sup>

The majority rejected this argument, and held that Aboriginal land is defined by particular boundaries and that the right to exclude relates to the area within the boundary regardless of the tide:

The asserted distinction between dry land and the land in the intertidal zone when covered by water should not be drawn. The Aboriginal land which is the subject of the grants now in issue is defined by metes and bounds...Nothing in the Land Rights Act requires a different conclusion.<sup>10</sup>

The majority concluded that the terms of the grant, is 'for all practical purposes, the equivalent of full ownership of land'.<sup>11</sup>

Interestingly, Justice Kirby made judicial notice of the National Apology and determined that such policy issues should be taken into account in the interpretation of statutes affecting the rights of Indigenous people.<sup>12</sup>

The decision does not have any direct impact on native title jurisprudence. However, as noted above, it demonstrates that rights over water even in areas subject to highly regulated licensing regimes can sustain a right to exclude. Its also indicates that the non exclusive native title to offshore areas may be more robust than is currently presumed.

**For more information on offshore native title in Australia please go to:**

[http://ntru.aiatsis.gov.au/research/offshore%20native%20title/offshore%20native%20title\\_1.htm](http://ntru.aiatsis.gov.au/research/offshore%20native%20title/offshore%20native%20title_1.htm)

<sup>7</sup> [141] per Keifel J.

<sup>8</sup> [103] per Heydon J; [155] per Kiefel J.

<sup>9</sup> [104]-[105] per Heydon J. This was essentially the argument put by the Northern Territory Director of Fisheries, Seafood Council and the Commonwealth. The remaining issue was whether or not Aboriginal land included intertidal waters. They argued that the Land Rights Act was limited to prohibiting entry on dry land or areas that were exposed by the tide: [42] per Gleeson CJ, Gummow, Hayne and Crenaan JJ.

<sup>10</sup> [55] per Gleeson CJ, Gummow, Hayne and Crenaan JJ.

<sup>11</sup> [50] per Gleeson CJ, Gummow, Hayne and Crenaan JJ.

<sup>12</sup> [70]-[71] per Kirby J.

# Traditional Owner Comment

## Murrandoo Yanner

G'day I'm Murrandoo Yanner. I'm from the Lower Gulf of Carpentaria which is a little geographical region that adjoins onto Arnhem Land and Cape York, down the bottom on the Queensland/Territory border. We're moving away from native title into land and sea management.

One of the things we're doing in land and sea management is working on country through turtle and dugong coordination, which is basically a combination of the Kimberley Land Council, Northern Land Council, us mob in the Lower Gulf of Carpentaria, the Cape York Land Council and the Torres Strait Regional Authority. We track dugong around northern Australia and work out where their habitats are being destroyed through dredging or development or where they are being poisoned by picking up too much cadmium in the rivers, etc. That could affect our mobs' health.

We're also eating a lot more of them. If you look at turtle and dugong, 90 per cent of turtle and dugong killed in this country are killed by either Indonesian fishermen or professional white fishermen with barramundi nets, and they're all gone to waste thrown to the bottom of the sea. Ghost nets are also a problem. A lot of the trawlers nets are washing up, killing a lot of the dugong and turtle. The federal government pays our mob to go and remove those things

We only kill 10 per cent of all turtle and dugong killed yearly in this country and yet the federal government wants to manage and regulate strongly against the people who are killing the least. If they're serious about saving turtle and dugong, they'd be addressing it with the fishermen and making them all use them flash nets they've got along the east coast where everyone goes swimming. They don't want to see dead turtle or dugong washing up at the Gold Coast or Cairns. Those nets could be forced upon professional fishermen throughout northern Australia but the fishermen won't adopt it because it's too costly. So the government should be footing the bill and making them use those nice nets that let the turtle and dugong live. If you want to regulate you regulate the people and the industries that are killing 90 per cent of them.

We're also doing a lot on carbon. We're being very proactive on bushfire management. If you burn properly you get healthier country, a lot more animals around therefore more food available for the mob - healthy food. Secondly, for example, in the Lower Gulf last year we had a 21 day bushfire that ran across only three stations - the stations are very large there. And it ran for 21 days and in that period it was estimated that 800 000 tons of carbon was emitted. For the



*From top: Road between Burketown and Doomadgee during the wet season; Preston Johnny & Billy Jackson setting a pig trap; Kevin Scholes taking a sample of a ghost net to have analysed; Gangalidda & Garawa Rangers on a coastal patrol east of the Albert River mouth; Billy Jackson on the lookout during a ranger patrol. Source: Carpentaria Land Council Aboriginal*

same 21 day period, basically, if you turned off all the electricity in Sydney and Melbourne for 21 days that's how much carbon got released in the air. We're going to start cashing in on that, by doing our traditional fire management early in the year before the grass grows big and high. It'll still get to burn properly so the trees germinate and all that, but because the grass is still half green we'll create big patchy country. We might have only emitted in the early burns 200 000, so we'll save 600 000 tons of carbon. We can then sell that on the market to the big companies that need to save on their carbon.

We are also getting rid of pest and weeds on our country, all those things taking over that are noxious and clogging the country up. We're doing a lot of that and it employs a lot of our mob. Basically we looked at what's happening in the Torres Straits for a lot of years and good on them. You see customs, quarantine, a lot of the

central services the federal government needs, to control weeds or pigs with diseases or whatever, or Indonesian boat fishermen sneaking in - often a lot of the locals are employed in that. So in the Lower Gulf a lot of these

things are going on but the federal government has absolutely no services. We're forcing them through our numbers in the Gulf and through our political staunchness that 'no you can't come into our region and set any of those services up. You want a customs or quarantine anywhere in the Lower Gulf you gotta hire our people and resource them properly. We're not going to be your jacky-jackies and run around, we'll do it because it's our country.' What it gives us long term politically is, rather than being dependant on the government, they're dependant on us to stop diseases and do all these other things - sort out the Indonesian boat fishermen - then it's a reversal of roles.

We've got the power. We've always told the Torres Strait mob 'you don't have to go out and do no civil disobedience or do anything, if the government doesn't give you what you want simply turn and look the other way, let in all the diseases, let in all the boat fishermen and watch Australian farmers and cattlemen go down the tube.' So they don't realise how vital a service they do for this country and the political strength that gives them if they ever want to revolt. They simply turn a blind eye to these things coming in.

We're getting our funding away from the government. As we've learnt through native title, you muck around, you're too political, you're too staunch against miners the government and their land rights branch of FaHCSIA will simply pull your funding, sack your board, put in administrators etc. Native title is being weakened very much by that, by the one group within government that is meant to be assisting us, instead basically putting



*From top clockwise: Sea turtle tracks on Mornington Island; Wellesley Islands Rangers capturing a sea turtle to record information about it and fire management program.*

chains on the black fellas and cutting them right down. So we're looking more at working with large companies and getting our own funding. Provided that we deliver on the environmental outputs we can say what we want politically, such as the dugong stuff, 'We're not regulating dugongs, regardless of what government policy'. But we can't say that because only the government is funding our rangers. So we need to seek funding elsewhere so we can be staunch and make up our own minds and say what we want without the government jerking the chain on our neck.

In the past, transient government staff, police, teachers, whatever that have been running all the volunteer marine rescue, rural fire brigades and everything, we're taking them over, just flexing our muscle and getting in and getting trained up. We're

taking all the resources and assets that have already been placed there by them. We're doing that both in the town and out bush with the burning. We are

teaching the kids, the next generation. There are benefits to being out working on country, as you can see.

## PBC Profiles

The Native Title Resource Unit has recently developed online profiles for every Prescribed Body Corporate (PBC) within Australia. These profiles aim to enhance the online presence of each PBC by offering a platform of indigenous views and experiences of each PBC in addition to the official accounts available on ATNS and NNTT.

The profiles include summary information on each PBC's organisation and structure, based on publicly available information. They are regularly revised and added to in collaboration with PBCs and NTRBs. The current version of the Profiles is available at

[http://ntru.aiatsis.gov.au/major\\_projects/psc\\_profiles.html](http://ntru.aiatsis.gov.au/major_projects/psc_profiles.html).

The NTRU welcomes feedback and suggestions on new content that could be included or changes that should be made to existing content to ensure it better reflects Indigenous people's experience of working with PBCs.

We are looking for:

- Pictures relating to relevant PBC members, the country that the PBC administers or native title determinations;
- Stories or statements about the role of the PBC, its current activities, or its members' relationship to country; and
- Links to PBC websites.

Please let us know if you have other ideas about what information would be useful to post online.



*Hilary Jones, PBC Project Officer*

If you would like to make a suggestion or seek any more information, please contact the project officer, Hilary Jones at [hilary.jones@aiatsis.gov.au](mailto:hilary.jones@aiatsis.gov.au) or (02) 6246 1140. Hilary works part time, and is in the office on Tuesdays.

## Upcoming NTRU Projects

Expression of Interest Notice:

**Native Title and the Management of Protected Conservation Areas including National Parks**

Management arrangements for protected conservation areas including national parks, which have been arrived at through native title negotiations, vary widely.

The NTRU is calling for expressions of interest from those who wish to contribute papers to a State by State and Territory by Territory Report on native title and the management arrangements of protected areas including national parks.

Information is required about:

- the determination of native title rights and interests;
- governance arrangements (including traditional owner decision-making powers) in Plans of Management or other management documents;
- perceived and real benefits of the determination and accompanying arrangements to the native title holders; and
- current State and Territory government policies.

Contributors would not have to cover all examples in a State or Territory and may wish to write only of a specific situation with which they are familiar. However, substantive documents covering the whole of a state or Territory would be ideal.

All expressions of interest and inquiries to [toni.bauman@aiatsis.gov.au](mailto:toni.bauman@aiatsis.gov.au) or phone 02 6246 1195.

## What's New

### Reforms and Reviews

#### [Variation of Area of Representative Aboriginal/Torres Strait Islander Bodies 2008 \(No. 1\)](#)

This instrument provides new boundaries for the North Queensland Land Council Native Title Representative Body Aboriginal Corporation Representative area, being the area identified as the 'Northern Queensland Region' as provided in the schedule to this instrument. This boundary variation commences at midnight on 30 June 2008.

#### [Recognition of Representative Aboriginal/Torres Strait Islander Body 2008 \(No. 1\)](#)

This instrument provides for the recognition of the South West Aboriginal Land and Sea Council Aboriginal Corporation as the representative body for the area specified in the Schedule until the end of 30 June 2010.

### Native Title Ministers' Meeting 18 July 2008, Communiqué

Commonwealth, State and Territory Native Title Ministers met today in Perth for the first time since the Rudd Government took office. The theme for the meeting was 'Making native title work better'. In a watershed atmosphere of accord, all Ministers joined together in agreeing that a flexible and less technical approach to native title was needed throughout Australia. Ministers agreed that the backlog of native title claims and the time estimated to resolve them using current approaches are unacceptable. But Ministers also agreed that legislative change is not a panacea. Ministers discussed the value of adopting broad and flexible processes to embracing the opportunities native title negotiations already offer under the existing legislative framework, in the interests of all stakeholders. Ministers agreed it is the responsibility of all parties to adjust their attitudes and expectations. Ministers committed their Governments to taking a more flexible view of the ways to achieve the broad range of practical outcomes possible from native title processes — achieving real outcomes for Indigenous people and providing certainty for other land users.

### Northern Development Taskforce Interim Report Kimberley June 2008

[NDT Interim Report June 2008](#)

[NDT Interim Report Appendices June 2008](#)

### [Queensland Local Government Template Indigenous Land Use Agreement](#)

This template local government ILUA is the outcome of negotiations which took place for the specific purpose of developing a "model" or "template" ILUA covering a range of issues that commonly arise in mediations between Queensland local governments and native title claimants. The template gives parties using it the flexibility to address issues and aspirations that are specific to them. It will be used to help conclude local government involvement in claim mediation with the three native title claim groups involved in its development. The template will also be

made widely available as a tool to assist mediated outcomes between local government and native title claimants for other claims. The publication includes a commentary which provides a brief history of the template's development and also a clause-by-clause summary of the template.

### [ORIC. A guide to writing good governance rules for Prescribed Bodies Corporate](#)

This good governance guide will help you to develop new rules for your Prescribed Body Corporate (PBC) or change your existing PBC rules to comply with the CATSI Act.

## Recent Cases

### Australia

#### *Amoonguna Community Inc v Northern Territory of Australia* [\[2008\] HCA Trans 254](#)

This case involves a challenge to the Northern Territory's local government changes. It was argued that the provisions of the new *Local Government Act* are beyond the power of the Northern Territory Legislative Assembly and that the compulsory acquisition of Amoonguna's property is not on just terms.

#### *Angelina Cox & Ors on behalf of the Puutu Kunti Kurrama & Pinikura People/ Wintawari Guruma Aboriginal Corporation/Western Australia/FMG Pilbara Pty Ltd*, [\[2008\] NNTTA 90](#)

Native title future act determination application concerning a proposed mining lease. Tribunal considered whether the grantee party had negotiated in good faith and found that the grantee had failed to do so.

#### *Northern Territory of Australia v Arnhem Land Aboriginal Land Trust* [\[2008\] HCA 29](#) (Blue Mud Bay)

A detailed case note is published in this edition of the [Native Title Newsletter](#).

#### *Foster v Que Noy (No 2)* [\[2008\] FCAFC 137](#)

Decision to determine the costs of an appeal against an application to replace an authorised applicant under s 66B of the *Native Title Act 1993* (Cth). The court needed to determine whether the decision to remove an applicant fell within the exclusive jurisdiction of the court (that is, s 81) and accordingly whether s 85 applies in relation to costs. It was found that the decision was 'one which directly affects the authority of the applicant to deal with a native title determination application referred to in s 61' and that s 85 applied.

Under s 85, according to Lee J in *Ward v Western Australia* (1999) 93 FCR 305 and endorsed by the Full Court in *De Rose (No 3)* at [8]-[10] 'the starting point is that each party to a proceeding will be left to bear his or her own costs unless the Court considers it appropriate in the circumstances to make a costs order.' The court found that the respondents had failed to establish any extraordinary circumstances and ordered each party to pay their own costs.

#### June Ashwin & Ors on behalf of the Wutha People/Contact Uranium Ltd/ Western Australia, [\[2008\] NNTTA 92](#)

Future act decision concerning the application for a dismissal of an application under s 148 for a proposed grant of a Prospecting Licence. The application for dismissal was not upheld.

#### *Gudjala People # 2 v Native Title Registrar* [\[2008\] FCAFC 157](#)

Native title claimant application concerning the registration of an application, the Gudjala People Core Country Claim # 2. The second claim was intended to include areas within a central external boundary that were excluded from the "Gudjala People Core Country Claim" that had been filed on 22 March 2005. The second application was rejected by Registrar who, the primary judge found had made an error in law. At the primary hearing the judge found that the Registrar had erred in failing to accept the application for registration. The Court considered the criteria for registration focusing on the sufficiency of the asserted factual basis for native title rights and interests claimed and the relationship this has to



the statutory requirements for the contents of the application. The court also considered whether there was an unduly onerous standard applied in referring to the sufficiency of evidence in support of the application. The court noted that:

...In substance, s 62(1) requires that the accompanying affidavit must contain evidence that the applicant believes the claimed rights have not been extinguished, believes none of the claimed area is covered by an entry in the Register, believes all the statements made in the application are true and that the applicant is authorised to make the application. The application must contain the details specified in s 62(2) and may contain details of the matters referred to in s 62(1)(c)....

In other words, it is only necessary for an applicant to give a general description of the factual basis of the claim and to provide evidence in the affidavit that the applicant believes the statements in that general description are true. Of course the general description must be in sufficient detail to enable a genuine assessment of the application by the Registrar under s 190A and related sections, and be something more than assertions at a high level of generality. But what the applicant is not required to do is to provide anything more than a general description of the factual basis on which the application is based. In particular, the applicant is not required to provide evidence of the type which, if furnished in subsequent proceedings, would be required to prove all matters needed to make out the claim. The applicant is not required to provide evidence that proves directly or by inference the facts necessary to establish the claim.

The court found that the appeal against the decision of the primary judge should be set aside and the matter should be remitted to the primary judge for consideration.

## International

*R. v. Kapp*, [2008 SCC 41](#)

Constitutional law decision considering the implications of the right to equality and whether affirmative action

programs are within this definition. The court considered the relationship between s. 15(1) and s. 15(2) of Canadian Charter of Rights and Freedoms and a communal fishing licence issued under pilot sales program granting members of three aboriginal bands exclusive right to fish for salmon for period of 24 hours. The license meant that commercial, mainly non-aboriginal, fishers were excluded from the fishery at that time and a group alleged a breach of their equality rights on basis of race-based discrimination. McLachlin CJ and Binnie, LeBel, Deschamps, Fish, Abella, Charron and Rothstein JJ held that the communal fishing licenses fall within the ambit of the Charter and the claim of the commercial fishers was not successful. In reaching its conclusion the court noted that:

Section 15(1) and s. 15(2) work together to promote the vision of substantive equality that underlies s. 15 as a whole. The focus of s. 15(1) is on preventing governments from making distinctions based on enumerated or analogous grounds that have the effect of perpetuating disadvantage or prejudice or imposing disadvantage on the basis of stereotyping. The focus of s. 15(2) is on enabling governments to pro-actively combat discrimination by developing programs aimed at helping disadvantaged groups improve their situation. Through s. 15(2), the *Charter* preserves the right of governments to implement such programs, without fear of challenge under s. 15(1). It is thus open to the government, when faced with a s. 15 claim, to establish, that the impugned program falls under s. 15(2) and is therefore constitutional. If the government fails to do so, the program must then receive full scrutiny under s. 15(1) to determine whether its impact is discriminatory.

*Ke-Kin-Is-Uqs v. British Columbia (Minister of Forests)*, [2008 BCSC 1020](#)

Case concerning the duty to consult where there is a 'removal decision' made affecting the Hupacasath First Nation. In the decision, the court held that:

1. the Respondent Minister of Forests had, prior to the removal decision on July, 2004 (the "Removal Decision"), and continues to have, a duty to consult with the Hupacasath First

Nation (“Hupacasath”) in good faith and endeavour to seek accommodation between their aboriginal rights and the objectives of the Crown to manage Tree Farm License 44 (“TFL 44”) in accordance with the public interest, both aboriginal and non-aboriginal.

2. the Crown and the Petitioners will attempt to agree on a consultation process and if they are unable to agree on a process, they will go to mediation. If mediation fails, the Crown and the Petitioners may seek further directions from the court;
3. the Crown and the Petitioners will provide to each other such information as is reasonably necessary for the consultation to be completed and the Crown and the Petitioners will attempt to agree on the document exchange and if they are unable to agree, the matter will go to mediation.

## Legislation

Native Title Act compilation as at 1 July 2008  
Incorporating Amendments to: Act No. 26 of 2008

[Indigenous Affairs Legislation Amendment Act 2008 No. 67, 2008](#)

An Act to amend laws in relation to Aboriginal land in the Northern Territory, and for other purposes.

## Publications

### NTRU Publications

Memmot, P and Blackwood P 2008 ‘Holding Title and Managing Land in Cape York – Two Case Studies’ *Research Discussion Paper No 21*, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.

McAvoy T and Cooms V, 2008, ‘Even as the crow flies, it is still a long way: implementation of the Queensland South Native Title Services Legal Strategic Plan’ *Native Title Research Monograph No 2/2008*, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.

### Seminar Papers

Weir, J and Strelein, L, 2008, ‘Water and Native Title’ presentation delivered at the AIATSIS Seminar Series, *Indigenous Public Policy Responses from the Ground*, Canberra.

Abstract and audio file available online:

[http://www.aiatsis.gov.au/research\\_program/events2/seminar\\_series\\_2\\_2008](http://www.aiatsis.gov.au/research_program/events2/seminar_series_2_2008)

### Conference Papers: National Native Title Conference 2009

Conference papers from the National Native Title Conference 2008 are now available online:

<http://ntru.aiatsis.gov.au/conf2008/papers.html>



# Native title in the News

## National

08-Jul-08 NATIONAL **Aborigines seek climate change input** Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma has said that climate change is 'already being experienced by indigenous peoples, particularly on island communities, both in the Torres Strait and other islands and communities along the coastline of Australia, and also those indigenous groups whose lives, and maintenance of culture, depends on the Murray Darling River'. Mr Calma argues that despite these effects, 'Indigenous people had so far been left out of the debate'. *Townsville Bulletin* (Townsville, 8 July 2008), 3.

14-Jul-08 NATIONAL **Giving voice to indigenous in reshaped body** Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma has said that 'to be successful in making lasting progress to improve conditions for indigenous people and their communities, they need a strong national voice'. Mr Calma said that the 'Australian Government has acknowledged the need for a representative body' and that 'a new body should be founded on a common understanding of the role indigenous people can play in shaping their own future'. *Age* (Melbourne, 14 July 2008), 13.

18-Jul-08 NATIONAL **Native title sea change** Federal Attorney General Robert McClelland 'announced that the Commonwealth would recognise the fact that non-exclusive native title rights could exist in territorial waters'. The recognition of water rights up to 12 nautical miles is consistent with the High Court's Crocker Island decision. *Financial Review* (National, 18 July 2008), 23; 'Native title flexibility' *Northern Daily Leader* (Tamworth, 18 July 2008), 9; 'Native title water rights extended' *Age* (Melbourne, 18 July 2008), 6; 'Ocean area for native title claims to expand' *West Australian* (Perth, 18 July 2008), 18.

18-Jul-08 NATIONAL **Neate reviews native title** National Native Title Tribunal President Graeme Neate has 'told a NAIDOC week gathering in Toowoomba...that significant change had been achieved in relation to recognition of

Native Title over the years, but plenty of changes remained'. *Rural Weekly*, (Toowoomba, 18 July 2008), 2.

19-Jul-08 NATIONAL **McClelland hails 'historic' opportunity on native title** At a meeting of Commonwealth and State Government ministers in Perth, Federal Attorney General Robert McClelland said that 'there is tremendous opportunity to do great things for the Aboriginal community through the resources boom'. Mr McClelland also said that 'States and Territories would now be able to work together to share 'best practice models' for progressing Aboriginal interests'. *Kalgoorlie Miner* (Kalgoorlie, 19 July 2008), 20; 'Talks 'will benefit' indigenous people' *Illawarra Mercury* (Wollongong, 19 July 2008), 2.

31-Jul-08 NATIONAL **Macklin aims for future benefits from native title** Indigenous Affairs Minister Jenny Macklin has said that 'Indigenous people who secured native title agreements could be forced to ensure the long-term benefits of land tenure were enjoyed by future generations'. The 'Government has revealed it will overhaul native title legislation to allow compensation payments to be used for future generations'. *Australian* (National, 31 July 2008), 2.

07-Aug-08 NATIONAL **Robert French named new High Court Chief Justice** Justice Robert French from the Federal Court has been named the new chief judge of the High Court. He will replace Murray Gleeson on August 29. *National Indigenous Times* (National, 7 August 2008), 11; 'French connection for WA' *Sunday Times* (Perth, 31 August 2008), 74.

12-Aug-08 NATIONAL **Rio already leads the way with Aborigines** Prime Minister Kevin Rudd has launched the new Indigenous Employment Covenant which aims to 'extract commitments from Australian Industry to create employment for 50 000' Indigenous people. The idea extends from the work of Rio Tinto which has created '1300 jobs in the Pilbara'. *Australian* (National, 12 August 2008), 33; 'NLC welcomes Fortescue jobs plan' *Sunday Territorian* (Darwin, 10 August 2008), 8.

14-Aug-08 NATIONAL **Appointment of new NNTT registrar** Associate professor Stephanie Fryer-Smith has been 'appointed registrar of the National Native Title Tribunal'. Professor Fryer-Smith is 'currently Association Professor and Dean International at the Curtin Business School'. *Business News* (Perth, 14 August 2008), 2.

## New South Wales

### 05-Aug-08 NSW Native title claim difficulties discussed

The current native title claim in Bingara and Warialda presents some difficulties to the local council which were discussed at a meeting in Warialda. *Bingara Advocate*, (Bingara, 5 August 2008), 3.

### 08-Aug-08 NSW Court decision on Aboriginal land claim

The High Court has 'reserved' its decision on a 'land claim by the Wagga Local Aboriginal Land Council on a former motor registry building'. The Minister for Lands had initially refused the land councils claim in 2006 and the land council's appeal was dismissed by the Land and Environment Court. *Daily Advertiser* (Wagga Wagga, 8 August 2008), 3.

### 19-Aug-08 NSW Graziers oppose Aboriginal land claim

Residents have opposed 'Aboriginal land claims for Crown land, spanning 20 ha on the Red Range Road'. They felt that there could be issues with the land which is used as a travelling stock reserve if it is transferred to Aboriginal management. *Glen Innes Examiner* (Glen Innes, 19 August 2008), 3.

## Northern Territory

### 18-Jul-08 NT NT nuke facility in 'national interest'

Federal Resources Minister Martin Ferguson has said that 'he would consult with indigenous land councils if he selected a site in the Territory' for a proposed nuclear waste dump. Mr Ferguson also said that 'support from the Northern Land Council will 'bolster the case for a Territory waste facility'. *Northern Territory News* (Darwin, 18 July 2008), 4.

### 18-Jul-08 NT Govt 'roerts' Koori funds

The Central Land Council has called for 'a royal commission into claims the Northern Territory Government is radically underspending on Aboriginal Affairs'. Prime Minister Kevin Rudd says 'he wants transparency in indigenous spending'. *Illawarra Mercury* (Wollongong, 18 July 2008), 15; *News-Mail* (Bundaberg, 18 July 2008), 12; *Daily News Tweed Heads* (Tweed Heads, 18 July 2008), 8; *Queensland Times* (Ipswich, 18 July 2008), 20; 'Call for inquiry into Indigenous spending' *Sunraysia Daily* (Mildura, 18 July 2008), 18; *Gladstone Observer* (Gladstone, 18 July 2008), 14; *Daily Mercury* (Mackay, 18 July 2008), 10; 'Indigenous fix 'on the

way' *Northern Star* (Lismore, 24 July 2008), 10; *Fraser Coast Chronicle* (Hervey Bay, 24 July 2008), 16.

### 24-Jul-08 NT Gove mine talks mark a fresh start

Rio Tinto Alcan has announced its plans to 'develop a new relationship with elders over the Gove mine'. This coincides with the federal cabinet meeting on Arnhem Land. The mine is 'on the land of the Gumatj and Rirritjina clans' but may also affect 16 other clans east of Arnhem Land. *Sunshine Coast Daily* (Maroochydore, 24 July 2008), 15; 'Rio teams up with Arnhem' *Australian* (National, 24 July 2008), 5; 'Big miner moves to right an 'historical wrong' *Northern Territory News* (Darwin, 24 July 2008), 4; 'Rio Tinto 'to right wrongs' *Border Mail* (Albury, 24 July 2008), 13.

### 24-Jul-08 NT Call for change in dealing with Indigenous

At a meeting of Cabinet held in Yirrkala, the Yolgnu and Bininj clans handed the federal government a statement indicating that there should be a 'dedicated futures fund and called for an end to using the Aboriginal Benefits Account to fund the intervention'. There were also calls to strengthen the rights of Indigenous people. *Northern Territory News* (Darwin, 21 July, 2008), 2; 'Plea on bark delivered to cabinet' *Herald Sun* (Melbourne, 24 July 2008), 13; 'Rudd takes cabinet into the heartland' *Advertiser* (Adelaide, 24 July 2008), 6; 'Indigenous leaders attack intervention' *Sydney Morning Herald* (Sydney, 24 July 2008), 7; 'Cabinet meets in Arnhem Land' *Barrier Daily Truth* (Broken Hill, 24 July 2008), 8.

### 31-Jul-08 NT 'Seas sing' in coast decision

Traditional Aboriginal owners 'have won exclusive control of more than 7 000 kilometres of Northern Territory coastline' in a 5-2 ruling that 'will allow Aboriginal people living in coastal communities to reap what are expected to be huge economic benefits'. *Age* (Melbourne, 31 July 2008), 6; 'Land rights reach into the sea' *Australian* (National, 31 July 2008), 3; 'Traditional owners get control of NT coast' *Northern Territory News* (Darwin, 31 July 2008), 3; 'Court adds sea to NT land rights' *Australian* (National, 31 July 2008), 1; 'Aborigines gain exclusive rights to coast' *Daily Examiner* (Grafton, 31 July 2008), 28; '80% of NT coast secured' *Geelong Advertiser* (Geelong, 31 July 2008), 9; 'Traditional owners win sea rights' *Sydney Morning Herald* (Sydney, 31 July 2008), 4.

05-Aug-08 NT Ok for 80 blocks...but no timeline An in principle agreement has been reached 'for the development of 80 residential blocks at Mt John Valley in Alice Springs'. Under the agreement, Lhere Artepe will 'purchase the

government's share to develop the first 40 blocks'.

*Centralian Advocate* (Alice Springs, 5 August 2008), 5.

06-Aug-08 NT **Tourism concern over Blue Mud Bay** The Guided Fishing Industry Association will be 'talking with the Northern Land Council in the wake of the Blue Mud Bay decision'. *Northern Territory News* (Darwin, 6 August 2008), 23.

07-Aug-08 NT **High Court decision overrides NT Fisheries Act** The High Court decision on the Blue Mud Bay case 'gives Indigenous communities exclusive access and rights to the intertidal areas of 80 per cent of the Northern Territory offshore areas and waterways'. The decision overrides the Northern Territory Fisheries Act. *Guardian News* (Nambucca, 7 August 2008), 23.

20-Aug-08 NT **TSRA congratulate Yolgnu people on Blue Mud Bay Decision** TSRA Chair Toshi Kris has 'has congratulated the Indigenous people of Arnhem land on the historic High Court Blue Mud Bay decision, saying the implications of the decision in the Torres Strait waters remains to be seen'. *Torres News* (Thursday Island, 20 August 2008), 3.

28-Aug-08 NT **Saving turtles and dugongs gets credit** A Northern Territory dugong and marine turtle project has been 'named a finalist in a national environmental award program'. The North Australian Indigenous Land and Sea Management Alliance project covers an area from the Kimberley across the Northern Territory to the Torres Strait. *Northern Territory News* (Darwin, 29 August 2008), 4.

## Queensland

03-Jul-08 QLD **Home hopes in limbo** There is a test case being heard in the Federal Court on the State Government's 99 year lease plan 'to allow Aboriginal residents the rights to sign a 99 year lease over their home'. The case is currently heard by Justice Dowsett. *Courier Mail* (Brisbane, 3 July 2008), 15.

04-Jul-08 QLD **New rules, new board for council** The Carpentaria Land Council Aboriginal Corporation has been operated by an administrator since July 3 2006 and has been recently returned back to the community after changes to its constitution and the election of new board members. The measures are designed to increase corporate governance and include a director from each language group in the region. *North West Star* (Mount Isa, 4 July 2008), 7; *Cairns Post* (Cairns, 4 July 2008), 2.

05-Jul-08 QLD **Western power plant a first for Australia** CleanEnergy Australia has received native title approval for a geothermal power plant in the LongReach district. *Townsville Bulletin* (Townsville, 5 July 2008), 9.

12-Jul-08 QLD **National park first for state** Cape York's Lama Lama people 'have regained custody of hundreds of hectares of their traditional country and will be guardians of the state's first Queensland national park declared on Aboriginal land'. *Weekend Post* (Cairns, 12 July 2008), 5.

17-Jul-08 QLD **Chinese giant woos traditional land owners** Chalco Aurukun Shire Council, the Queensland Government and local traditional owner have 'entered into an Indigenous land use agreement recognising the commitment of all parties to a mutually respectful investigation into the possible mine'. *Financial Review* (National, 17 July 2008), 14.

23-Jul-08 QLD **Aurukun elders map out economic future** The elders of family groups of the Aurukun area, the Wik and Wik Way people, are 'holding a visionary workshop' to map their future in light of the historic agreement with the mining giant Chalco. *Cairns Post* (Cairns, 23 July 2008), 31.

06-Aug-08 QLD **Leaders to study High Court ruling** State Minister for Natural Resources and Water Craig Wallace said that the 'judgement in Blue Mud Bay case confirmed the exclusive rights of traditional owners over tidal waters along about 80 per cent of the Northern Territory coastline'. Mr Wallace said that the issues in the case do not apply to the current sea rights case in the Torres Strait. *Torres News* (Thursday Island, 6 August 2008), 3.

07-Aug-08 QLD **Traditional owners win national park after 30 years** Indigenous communities on Cape York will have the 'opportunity to run their own national park...after an agreement that ends 30 years of complex negotiations between Queensland authorities, indigenous groups and environmentalists'. A ceremony was held in Cohen to hand back 182 000 ha of land to the Kaanju Umpila, Lama Lama and Ayapathu people'. *Australian* (National, 7 August 2008), 7; 'Cape's future progressed' *Australian* (National, 6 August 2008), 14.

13-Aug-08 QLD **Cape Protection** The Wilderness Society has 'welcomed the declaration of Cape York Peninsula's first Indigenous Protected Area'. The IPA was reached with the Kaanju traditional owners in central Cape York. The Kaanju Ngaachi Wenlock and Pascoe Rivers Indigenous Protected Area covers 197 500 hectares of Aboriginal freehold land. *Cairns Sun* (Cairns, 13 August 2008), 7.

27-Aug-08 QLD **Conflict of interest compromises Native Title Owners rights and Interests** The Torres Strait

Regional Authority (TSRA) is a Commonwealth Statutory Authority 'yet they have set themselves up as the Native Title Representative Body...taking native title rights from the Traditional Property Owners and giving them back to the Commonwealth to administer says Maluwap Nona a traditional owner from the area. *Torres News* (Thursday Island, 27 August 2008), 5.

## South Australia

07-Aug-08 SA **Land use talks called off** Negotiations to 'develop an Indigenous Land Use Agreement (ILUA) around the Eyre Peninsula coast from Cowell to Elliston have been put on hold because of funding cuts to the State-wide ILUA program'. A committee was initially formed in June 2006 but negotiations between the Barngala people, ALRM, South Australian fishing Industry council, the Seafood Council and the State Government have been suspended. *Port Lincoln News* (Port Lincoln, 7 August 2008), 9.

13-Aug-08 SA **Native Title** The Ngarrindjeri people have 'a native title claim over mainly the Coorong areas which extend into Kingston district to the Granites'. Movement of the claim is likely to be 'some time away' according to District Council chief executive officer Martin McCarthy. *South East Coast Leader* (13 August 2008), 5.

22-Aug-08 SA **APY takes housing package** Indigenous leaders in Anangu Pitjantjatjara Yankunytjatjara lands 'have accepted a \$25 million housing package'. Under the agreement, 'housing will be provided through State Government public housing model on land leased for 50 years'. *Kalgoorlie Miner* (Kalgoorlie, 22 August 2008), 4.

## Victoria

18-Jul-08 VIC **Yorta summit success** The Yorta Yorta elders have 'achieved a majority victory at the World Indigenous people summit in the lead up to the G8 Summit'. Delegate Wayne Atkinson said that 'the Yorta Yorta won significant support from indigenous representatives from Asia, the Pacific Europe and the Americas'. *Riverine Herald* (Echucca, 18 July 2008), 14.

06-Aug-08 VIC **Pipeline works resume** The 'Cultural Heritage Management Plan for the Supply System 3 and 4 of the Wimmera Mallee Pipeline has been formally approved'. The plan was signed by Aboriginal Affairs

Victoria and the Barenji Gadjin Land Council allowing construction on the pipeline to resume'. *Dimboola Banner* (Dimboola, 6 August 2008), 3; *Buloke Times* (Donald, 5 August 2008), 1; 'Pipeline back on' *Weekly Times* (Victoria, 6 August 2008), 2; 'Pipeline works resumed' *Ararat Advertiser* (Ararat, 5 August 2008), 7; 'Pipe line reaches Marnoo' *North Central News* (St Arnaud, 27 August 2008), 6.

### 27-Aug-08 VIC **Native Title Claim lodged for Gippsland**

The Kurnai (Gippsland) and Gurnai/Kurnai and Booneroewrung people have lodged native title claims seeking recognition of their rights and interests over areas in Gippsland. The Kurnai claim covers 39 170 square kilometres of land and waters between Woods point, Waragul and Foster and Omeo and Buchan and Point Hicks. The Gurnai/Kurnai claims covers 7 970 square kilometres of land between Port Franklin and Inverloch. *East Gippsland News* (East Gippsland, 27 August 2008), 1; 'Valley part of native title claim' *Latrobe Valley Express* (Morwell, 28 August 2008), 4.

27-Aug-08 VIC **Koori vie for control** The Kuuyang Maar Aboriginal Corporation has applied to the Victorian Aboriginal Heritage Council (VAHC) for recognition as a Registered Aboriginal Party which means that the corporation 'could soon head the management and protection of Aboriginal sites and culture across the district'. *Cobden Times* (Cobden, 27 August 2008), 6.

## Western Australia

12-Jul-08 WA **Cameco, Mitsubishi prepared to play waiting game for Kintyre's uranium** Canadian company Cameco is waiting for approval of the Kintyre Uranium deposit in Western Australia. The development is dependant on Cameco reaching an agreement with the Martu traditional owners of the land. *Weekend Australian* (National, 12 July 2008), 35.

16-Jul-08 WA **Builders facing brick wall over land releases** Planning and Infrastructure Minister Alannah McTiernan has said that Landcorp needs to deal with native title before land can be released to builders in the Pilbara region. *Pilbara News* (Pilbara, 16 July 2008), 19.

17-Jul-08 WA **Owners push for LNG input** The Kimberley Land Council has 'successfully campaigned for two additional sites to be considered for LNG processing hubs, adding to the nine already announced by the Northern Development Taskforce'. KLC executive Wayne Bergmann

said that 'the process is crucial to ensure Kimberley Aboriginal people gain long-term benefits from any development and to ensure robust community support'. *Broome Advertiser* (Broome, 17 July 2008), 3.

18-Jul-08 WA **Boom in tenements** The Western Australian State Government has 'granted the highest number of mining tenement applications in more than a decade in the past financial year'. Resources Minister Francis Logan said '4675 mining tenement applications were granted in 2008-1008'. *Geraldton Guardian* (Geraldton, 18 July 2008), 9.

19-Jul-08 WA **Native title setback** The Fortescue Metals Group will 'abandon a plan to push through a raft of native title applications with two Pilbara based claim groups after the National Native Title Tribunal found the company has failed to negotiate with them in good faith'. *West Australian* (Perth, 19 July 2008), 77.

21-Jul-08 WA **Pilbara left out of talks on ATSIC II** Pilbara Indigenous leaders have 'raised concerns that the region has been left off the schedule for first round consultation meetings on the proposed National Indigenous Representative Body'. Yamatji Land and Sea Council Director Simon Hawkins said that 'we are shocked that the Pilbara wasn't included. We have raised the issue and will be raising it at other meetings we attend'. *Australian* (National, 21 July 2008), 8.

25-Jul-08 WA **Native title needs overhaul** The National Native Title Council has said that the 'native title process needs to be overhauled to give Aboriginal people a better chance of having connection to their traditional lands recognised. According to NNTC Chairman Brian Wyatt, 'an overhaul would see stronger protection of Aboriginal land and customs and allow indigenous people to be economically independent sooner.' *Golden Mail* (Kalgoorlie, 27 July, 2008), 10.

01-Aug-08 WA **Historic agreement applauded by explorers** The agreement between the Ngarluma people and Rio Tinto Iron Ore has been welcomed by the Association of Mining and Exploration Companies. AMEC chief executive Justin Walawski said 'it underscores the importance of mineral exploration for the future of native title owners'. *Mining Chronicle* (National, August 2008), 13.

06-Aug-08 WA **Title victory for group** Members of the Puutu Kuntj Kurrama and Pinikura native title claim group and the Wintarwari Gurama Aboriginal Corporation have 'successfully proved the mining giant [Fortescue Metals] failed to fulfil its obligations under section 31 of the Native Title Act 1993'. The claim group successfully proved that

the mining company did not negotiate in good faith. *Pilbara News* (Pilbara, 6 August 2008), 5.

12-Aug-08 WA **ALP failing on gas plant: Barnett** A Liberal leader has warned that if energy company Inpex moves its operations from the Kimberley to Darwin, the '\$12 billion LNG export plant' could be lost. *West Australian* (Perth, 12 August 2008), 4; 'Darwin firms as site for \$25bn gas project' *West Australian* (Perth, 22 August 2008), 1.

12-Aug-08 WA **Fortescue appeals ruling** The Fortescue Metals Group will appeal a ruling by the National Native Title Tribunal that it has not acted in 'good faith' in negotiations with two Indigenous groups in the Pilbara'. The NNTT found that the 'although negotiations were conducted in a professional and honest manner, the company had not advanced them to a stage where it had discharged its duty to negotiate in good faith'. *Australian Financial Review* (National, 12 August 2008), 14.

20-Aug-08 WA **Elders' stories of country** Aboriginal elders in the Pilbara have 'recounted ancestral knowledge of their laws and customs at a Federal Court hearing' in traditional Puutu Kuntj Kurrama and Pinikura country'. Federal Court judge Neil McKerracher heard the preservation evidence. *Pilbara News* (Pilbara, 20 August 2008), 3.

28-Aug-08 WA **Aborigines 'denied uranium riches'** The Western Desert Lands Aboriginal Corporation, which represents with Martu people of the Pilbara region, has said that the 'Western Australian Government is robbing 'one of the most poor and disenfranchised people in this country'. The Western Australian Government has said that it will 'legislate against uranium mining in the state'. The Martu hold 'native title rights over 136 000 sq km of land within the Central Western Desert region' and 'acknowledges there is no consensus among the Martu, [but] says many hope their people will one day become joint owners of a uranium mine'. *Australian* (National, 28 August 2008), 8; 'Uranium row looms' *Herald Sun* (Melbourne, 28 August 2008), 65; 'Uranium ban upsets traditional owners too' *Sydney Morning Herald* (Sydney, 28 August 2008), 30; 'Mining ban 'robs indigenous people' *Canberra Times* (Canberra, 28 August 2008), 12; 'Uranium move under fire' *Border Mail* (Albury-Wodonga, 28 August 2008), 18.

## Native Title Determination Applications

DATE FILED	APPLICATION NAME	APPLICATION TYPE	STATUS	STATE/ TERR.	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
28/08/2008	<a href="#">Kaurareg People #1</a>	Claimant application	Active	QLD	QC08/6	QUD266/08
28/08/2008	<a href="#">Kaurareg People #2</a>	Claimant application	Active	QLD	QC08/7	QUD267/08
13/08/2008	<a href="#">Neutral Junction</a>	Claimant application	Active	NT	DC08/1	NTD13/08
08/08/2008	<a href="#">Nambucca Heads Local Aboriginal Land Council</a>	Non-claimant application	Active	NSW	NN08/4	NSD1241/08
31/07/2008	<a href="#">Ngarluma</a>	Claimant application	Active	WA	WC08/2	WAD165/08
23/07/2008	<a href="#">Bidjara People</a>	Claimant application	Active	QLD	QC08/5	QUD216/08

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/Applications-And-Determinations/Search-Applications/Pages/Search.aspx](http://www.nntt.gov.au/Applications-And-Determinations/Search-Applications/Pages/Search.aspx) accessed 1 September, 2008. For further information about native title applications in notification contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).  
Registration Test Decisions

## Registration Test Decisions

APPLICATION NAME	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.	DECISION	DECISION DATE	APPLICATION DATE
<a href="#">Gunditjmara</a>	VC99/7-4	VID6004/98	Not Accepted	29/08/2008	09/07/1999
<a href="#">Kunjen People</a>	QC08/1-1	QUD33/08	Not Accepted	31/07/2008	08/02/2008
<a href="#">Ballardong People</a>	WC00/7-2	WAD6181/98	Accepted	03/07/2008	03/07/2000

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](http://www.nntt.gov.au/Applications-And-Determinations/Registration-Test/Pages/search.aspx) accessed 15 September, 2008. For further information about Registration Test Decisions contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).



# ILUAs

NAME (NNTT HYPERLINK)	TRIBUNAL FILE NO.	TYPE	STATE /TERR.	REGISTRATION DATE	SUBJECT MATTER
<a href="#">Small Scale Mining &amp; Exploration Activities - Wakaman People</a>	QI2007/0 36	Area agreement	QLD	25/08/2008	Mining
<a href="#">Yandruwandha/Yawarrawarrk a Petroleum Conjunctive ILUA</a>	SI2006/00 8	Area agreement	SA	22/08/2008	Petroleum/Gas
<a href="#">Joint Bar-Barrum Jirrbal Herberton Project ILUA</a>	QI2007/0 41	Area agreement	QLD	28/07/2008	Mining
<a href="#">Jirrbal Herberton Project ILUA</a>	QI2007/0 39	Area agreement	QLD	25/07/2008	Access Exploration Mining
<a href="#">Bar-Barrum Herberton Project ILUA</a>	QI2007/0 40	Area agreement	QLD	25/07/2008	Access Exploration Mining
<a href="#">Ewamian Copper Strike Einasleigh ILUA</a>	QI2007/0 35	Area agreement	QLD	10/07/2008	Mining

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/Indigenous-Land-Use-Agreements/Search-Registered-ILUAs/Pages/Search.aspx](http://www.nntt.gov.au/Indigenous-Land-Use-Agreements/Search-Registered-ILUAs/Pages/Search.aspx) 15 September, 2008. For further information about Indigenous Land Use Agreements contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://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.

Project Gutenberg has put up an online access copy of Collins, David. *An account of the English colony in New South Wales :from its first settlement in January 1788, to August 1801, with remarks on the dispositions, customs, manners, &c. of the native inhabitants ...* London : T. Cadell : W. Davies, 1802. Query "Collins, David" on Project Gutenberg at <http://www.gutenberg.org/etext/12668>. There is also a direct link to the book through the MURA catalogue at AIATSIS.

The National Native Title Tribunal has published a guide to Australian government funding sources. See: *Guide to Australian government funding sources*. Perth, W.A. : Research Unit, National Native Title Tribunal, c2008.

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NOTE: The July 2007 issue of *Anthropological Forum* (Vol 17, no. 2) has a good selection of articles relevant to native title: See these items:

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Dousset, Laurent, and Glaskin, Katie. 'Western Desert and native title: how models become myths'. (p.127-148).

Keen, I. 'Sansom's misreading of 'The Western Desert vs. the Rest'.' (p.168-170).

Morton, John. 'Sansom, Sutton and Sackville: three expert anthropologists'. (p. 170-173).

Sackett, Lee. 'A potential pathway'. (p.173-175).

Sutton, P. 'Norms, statistics and the Jango case at Yulara.' (p.175-190).

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Bennett, Michael. 'The economics of fishing: sustainable living in colonial New South Wales.' *Aboriginal History* Vol. 31 (2007), p. [85]-102.

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