

# Native Title Newsletter

March/April, No. 2/2008

## WHAT'S NEW

Registrations for the National Native Title Conference, 3-5 June, close **23 May 2008**.

**The NTRU is celebrating its 15<sup>th</sup> Birthday!**

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# Native Title Report 2007

By Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner

The Attorney-General tabled the *Native Title Report 2007* in the House of Representatives on 20 March 2008.

The *Native Title Report 2007* analyses how the native title system operates and the effect of the native title system on the exercise and enjoyment of human rights by Aboriginal and Torres Strait Islander people. It covers the period 1 July 2006 to 30 June 2007.

The *Native Title Report 2007*, which is dedicated to the memory of Eddie (Koiki) Mabo, also takes a more reflective look at the development of the whole system on the 15th anniversary of the High Court's decision in *Mabo No 2*.

The report argues that the native title system has become too complex, too legalistic and too bureaucratic and I makes a number of recommendations to the Attorney-General on how it can be improved.

The report considers the significant changes made to the native title system in 2007 which will directly impact on Indigenous stakeholders and their representatives. These changes seem to have been aimed at addressing government imperatives rather than the needs and aspirations of Indigenous people.

The report considers changes to:

- claims resolution;
- representative indigenous bodies
- respondent funding; and
- prescribed bodies corporate

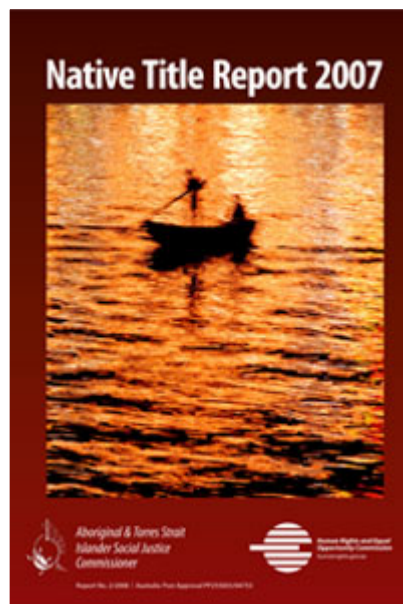
The report also discusses the Corporations (Aboriginal and Torres Strait Islander) Act which came into effect on 1 July 2007 as well as provisions of the Northern Territory Intervention that relate to compulsory acquisition of Aboriginal land.

*In light of the recent National Apology and the move toward reconciliation between Indigenous and non-Indigenous Australians, I hope this federal government will consider the report and how to better recognise Indigenous peoples' unique and essential relationship with land.*

As these changes are implemented it will be interesting to see whether they improve the system. My initial concerns are that the changes have not focused on ensuring the system provides for greater recognition and protection of native title and I am concerned they will not deliver this.

My report also examines decisions of four significant Federal Court cases and draws implications from them regarding compensation for extinguishment of native title, application of the rules of evidence, interpretation of the section 223 definition of native title, and resurgence of culture.

Despite concerns about how parts of the native title system operate around the country, there are a number of positive initiatives where Indigenous people are using their land to pursue economic, social, cultural and environmental outcomes. *The*



*Native Title Report 2007* profiles some of these innovative projects.

Winner of the 2007 Eureka Prize for innovative solutions to climate change, the Western Arnhem Land Fire Abatement (WALFA) project utilises traditional fire burning practices to reduce carbon emissions and generate income for local communities.

The Central Queensland Indigenous Land Use Agreement (ILUA) template was developed after three years of negotiation and involved the Gurang Land Council Aboriginal Corporation working with three native title claim groups from central Queensland, the Local Government Association of Queensland and 16 local governments to develop a 'template' for future ILUA negotiations. The Central Queensland ILUA template could serve as a model for other agreements involving local government, allowing groups to learn and build on the experiences of others.

In light of the recent National Apology and the move toward reconciliation between Indigenous and non-Indigenous Australians, I hope this federal government will consider the report and how to better recognise Indigenous peoples' unique and essential relationship with land. As the preamble to the *Native Title Act 1993* recognises, the dispossession of lands is closely linked to the disadvantage of Indigenous people today.

The full report and a community guide are available at [http://www.humanrights.gov.au/social\\_justice/index.html](http://www.humanrights.gov.au/social_justice/index.html)

## Traditional native title holders meet again on Masig

George Mye from the Erubam Le Traditional Land and Sea Owners (TSI) Corporation



*Front Row (Left to Right): Dan Mosby, Jenny Mye, George Mye, Jack Billy and Albert Mosby.*

*Back Row (Left to Right): Terrence Whap, Herbert Warusam, Milton Savage, William Akee, Stanley Marama, Joel Gaidan, Lota Warriia, Horace Baira and Ruth Whap.*

Native title holders from the Torres Strait met on Masig (Yorke) Island, 28 – 30 April 2008 to discuss how practical outcomes can be achieved once native title has been recognised. This is the second meeting of the prescribed bodies corporate

(PBCs) of the Torres Strait, providing Traditional Owners with a rare opportunity to meet and develop a culturally appropriate strategic plan to raise the

profile and authority of PBCs and bring economic development to their communities.

Traditional owners expressed their continued frustration with the native title process post determination and felt that the legal recognition of native title rights and interests failed to deliver any meaningful changes to their communities. George Mye from the Erubam Le Traditional Land and Sea Owners (TSI) Corporation said 'we need to give justice to our people'. Terrence Whap from Goemulgaw (TSI) Corporation agreed, 'we want transparency and a sense of order around how business is done'.



The PBC representatives felt that educating visitors, non native title holders and other stakeholders in the region was the first step to building the authority of PBCs and respect for traditional owners. They agreed on a set of shared principles for engagement with other stakeholders reiterating that *Ailan Lore* and *Kastom* need to be respected at all times and that PBCs need to be consulted on all matters that relate to their land and sea. Horace Baira from Mura Badulgal (TSI) Corporation said that ‘there is no small impact’ and people who do not understand how traditional laws and customs operate on the island communities should consult PBCs before carrying out activities that affect their native title lands. Pastor Jack Billy from the Porumalgal (TSI) Corporation felt that there was no real recognition and that the State Government is not faithful to its consent determination recognising the traditional owners of the Torres Strait.

The lack of consultation has become particularly evident with the recent amendments to the *Torres Strait Islander Land Act 1991* (Qld) which, while enabling PBCs to hold land in trust for their communities, also removes the need for an act of parliament before land can be compulsory acquired for infrastructure on the island communities. Many PBCs felt that the consultation process for such sweeping changes were inadequate.

The inability of PBCs to engage in meaningful negotiations has been a key factor limiting opportunities for development in the region despite having legal recognition of exclusive possession over their native title lands. The meeting turned its focus to business development and planning, and building robust corporations with appropriate legal structures. The PBCs all expressed interest in utilising their land and natural resources effectively to provide benefits to the community and the region as a whole through agriculture, tourism and other local businesses on their islands.

The PBC representatives felt that it is important to clarify governance roles in the region. Dan Mosby from the Kulkagal (TSI) Corporation said that there is a need to reach an understanding with the Torres Strait Island

Regional Council ‘they need to know what our role is, they need to understand our representative roles’.

Traditional owners have the most knowledge and understanding about the land and sea areas in the Torres Strait and can provide the most authoritative and accurate responses to any consultations. PBCs are the culturally and legally recognised entity that can assist with the coordination and communication of any land and sea matters within all native title areas.

## NTRU Project Report

### Happy Birthday: The Native Title Research Unit (NTRU) turns fifteen

By Tran Tran, Research Officer and Jessica Weir, Visiting Research Fellow

The NTRU was established in 1993 as a research unit within AIATSIS after the 1992 High Court decision in *Mabo v Queensland (No.2)*,<sup>1</sup> which recognised Indigenous peoples’ rights to land under the common law concept of native title. This judgement challenged the whole system of land tenure in Australia and laid the basis for profound changes to the relationship between Indigenous peoples and the rest of the nation.

In response to *Mabo*, the former Aboriginal and Torres Strait Islander Commission (ATSIC) convened a meeting of Aboriginal and Torres Strait organisations to evaluate the scope and implications of the decision in order to develop a national strategy for ‘mainland’ land claims, cognisant of the differing situations across the States and Territories. The resulting strategy

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<sup>1</sup> (1992) 175 CLR 1.

included both policy development and funding to assist Aboriginal and Torres Strait Islanders to benefit from *Mabo*. The policy body comprised of land council executives and sub committees with expertise in anthropology, history and law. Professor Mick Dodson and Professor Peter Sutton represented AIATSIS in this technical group. ATSIC also approved the allocation of \$1.5 million for the 1992/1993 financial year to consult with and assist Aboriginal and Torres Strait Islanders in accessing legal advice in relation to land claims. A smaller amount of \$150,000 was allocated by ATSIC to fund research into native title. The AIATSIS Council embraced the opportunity to take a leading role and established the NTRU with three staff – a lawyer, an anthropologist, and an administrative assistant.

The NTRU's establishment in mid-1993 coincided with the release of the Federal Government's discussion paper detailing their plans for a legislative response to *Mabo*. This paper set the political as well as conceptual environment for the national debate that followed. A group of Indigenous negotiators (dubbed the A team) debated the legislation with the Federal government. AIATSIS had direct involvement in this group through Marcia Langton's participation, who at that time was the Chair of the AIATSIS Council. The NTRU assisted the negotiators by providing secretariat support and remained close to the action as it unfolded: Black Friday, when it seemed the negotiations had broken down irrevocably; Ruby Tuesday, when talks were resumed; attempts by the Greens Senators and their advisers to subvert the approach pursued by the Indigenous negotiating team; the differing politics of industry, with the mining industry running a negative campaign and the pastoral industry, with Rick Farley as the head of the National Farmers Federation, engaging in a constructive process; and, the euphoria in the Senate chamber at midnight on 23 December 1993 when the *Native Title Act 1993* (Cth) (*NTA*) was finally passed.<sup>2</sup> For those involved, native title brimmed with possibilities,

and the NTRU was well placed to develop and explore them. In 1994, the NTRU organised its first post-*NTA* workshop to bring together key players and thinkers in the field in order to map the conceptual direction of native title.

In these early days, the work of the NTRU focused on the people who had to work with the native title system to ensure that Indigenous people had the best possible information, research and professional representation to press their claims. In conjunction with ATSIC, the NTRU set up a regular teleconference forum with representatives from the small but growing number of Native Title Representative Bodies (NTRBs). The NTRU also made contact with the National Native Title Tribunal and provided input into the Tribunal's early development. The NTRU issues paper series, *Land, Rights, Laws*, was established as a vehicle to inform NTRBs, practitioners, and government, but also to canvass possibilities while the field of native title was still new. From 1994 onwards, regular workshops have been held to specifically focus on different disciplines and issues within native title practice. Today, the expert analysis of key cases and native title practice continues as central to our research agenda. The NTRU also continues to facilitate access to the records, materials and collections held at AIATSIS, that provide evidence in native title claims.

Unfortunately, since the 1993 *Mabo* decision, the scope of native title has been considerably narrowed by statutory responses made by legislators and politicians to the common law recognition of native title and by the decisions made by the Courts presiding over native title cases. Decisions such as *Yorta Yorta* and *Western Australia v Ward* have also reaffirmed that legal conceptions of native title privilege non indigenous titles and land use rather than the recognition and protection of Indigenous rights and interest. The requirements of proof of native title have become impossibly onerous with decisions appearing increasingly arbitrary. At the same time there has been an increase in the importance of alternative processes to litigation, including the negotiation of comprehensive regional agreements and

<sup>2</sup> Personal communication Mary Edmunds, 16 May 2008.

Indigenous Land Use Agreements. The content of such agreements have not been limited by the narrow definition of common law native title, and have included issues such as health, education, governance and land and sea management. Early on the NTRU established a Regional Agreements Project to explore a regional approach to alternative agreements, and agreement making remains a key focus of NTRU research. Concerns about the sustainability of such agreements led to a significant three year project on the facilitation and mediation of Indigenous decision making.

The NTRU plays a key role in the native title sector supporting system design and analysis – identifying blockages and problems in the process and seeking solutions. As the recognition of native title holders and their country increases across Australia, the NTRU research agenda has moved to encompass the range of issues they experience as part of our PBC project and work on corporate design and taxation. The NTRU also has a land and water project, to analyse the complicated relationships held between native title and other statutory land regimes, and to set native title within its ecological context. All this research activity has been supported by NTRU publications and our growing web resources, including the extensive Native Title Resources Guide. The NTRU is also well known for convening the national Native Title Conference – which remains the largest Indigenous policy conference in Australia.

The NTRU has outlived our funding partner – ATSIC – which established and supported the NTRU. Today the NTRU is supported by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). The longevity of the NTRU has provided a valuable source of continuity of knowledge for native title holders, NTRBs, and the government departments engaged in native title. With working relationships with both the National Native Title Council and other key stakeholders and institutions, the NTRU is in a unique position to assist native title holders and claimants, the native title representative body system, and State, Territory and Federal Governments, Federal Court and NNTT in

developing, analysing and evaluating policy and practice. The quality intellectual and practical support provided by the NTRU has ensured our survival in a tough policy and funding context, and hopeful will ensure our survival into the future.

## The Future of Connection Material held by representative bodies

By Grace Koch, Research and  
Access Officer, Native Title  
Research Unit

Many valuable and irreplaceable documents have been created during research for native title claims. Although some of this material has come from other sources, the arrangement of the documents coupled with original field research gives a unique description of Indigenous societies and their connections with the land. Also, much of the field material is irreplaceable because the elders who gave the information may have passed away.

This connection material is of great value, not only to claimants, but to the wider community because it offers a valuable contribution to Australian history, anthropology, sociology, land management and other disciplines; however, because it was created as part of a legal process, it deserves special recognition and respect. Some Native Title Representative Bodies (NTRBs) have dedicated staff to manage these documents, but others are not able to care for them properly.

When NTRBs were established, funding went to claim research and there was very little, if any, provision for documentation and storage of research reports, connection material, and other print and audiovisual documents generated by the Native title process. As a result of the native title process, NTRBs now hold significant collections which require extra funding for their care if they are to be available for future generations. This funding should be in addition to the normal allocation of money for each NTRB.

Access to the documents held needs to be efficient. Contract researchers who prepare connection reports are employed for fixed time periods and depend upon efficient and accurate retrieval mechanisms for locating relevant information on local groups, historical documents, and neighbouring claims. Unfortunately, databases for documentation and internal storage provisions vary widely amongst Native Title Representative Bodies with some material being in danger of dispersion or decay.

It became obvious that action needed to be taken to ensure that the holdings of NTRBs be catalogued and that secure storage and preservation issues be addressed. These became the aims and objectives of a project sponsored by the NTRU of AIATSIS entitled 'The Future of Connection Material'.

Early in 2005, the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), through the Native Title Research Unit (NTRU), sponsored a project to focus upon issues of arrangement, preservation, and access to connection material. A series of workshops, surveys, and web resources have resulted from directions and input provided by NTRB staff, who have set the goals for the project.

The AIATSIS Native Title Research and Access Officer (NTRAO) has been working through the recommendations arising from meetings and sessions held at the last three annual Native Title conference; however further implementation of these will require staffing and funding. Four recommendations are proposed in this report, which was workshopped at a Senior Professional Officers' seminar (3-4 March 2008), sponsored by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). A resolution in support of the project was formulated at the seminar and circulated to attendees at the seminar and to senior FaHCSIA staff.

The following key recommendations emerged from the Future of Connection Project:

#### **Recommendation 1: Identification, arrangement and description**

An assessment needs to be made urgently of which NTRBs are successful in organising their material and

which ones need help, after which a plan should be implemented to get the material into proper order.

#### **Recommendation 2: Preservation/conservation measures**

Each NTRB needs to develop and implement a plan to ensure secure storage facilities to assess the condition of its records and to develop procedures for digitising the holdings.

#### **Recommendation 3: Access and use protocols**

Each NTRB needs a plan for access and use of native title material.

#### **Recommendation 4: Location of an external repository**

Each NTRB needs to select a separate and secure repository for their holdings to ensure their preservation for posterity.

The Future of Connection Material project aims to formulate a plan for NTRBs nationwide to establish standards and to develop skills towards proper documentation and secure storage for connection material and other original documents generated by the native title process. The project has been conducted within the NTRU, which exists as part of the Research Program of AIATSIS.

The final report of this project is now available online: [http://ntru.aiatsis.gov.au/collections/connection\\_material.html](http://ntru.aiatsis.gov.au/collections/connection_material.html)

## What's New

### Reforms and Reviews

#### [Victorian Government's Alternative Framework for Negotiating Native Title](#)

The Victorian State Government and traditional Aboriginal owners can negotiate directly with each other outside of the Federal Court System which will allow the State to be proactive rather than reactive in the resolution



of claims. Professor Mick Dodson will be chairing an independent committee comprising of representatives of the Victorian Traditional Owner Land Justice Group and State representative whose joint task will be to develop a Victorian settlement framework.

## Recent Cases

### Australia

#### *Hazelbane v Doepel* [\[2008\] FCA 290](#)

This decision involves a review of the Registrar's decision to register an overlapping claim over the Town of Bachelor under s 190A of the Native Title Act 1993 (Cth). The original applicants, the Warai and Kungarakany groups opposed a later application made by the second applicants, the 'Town of Bachelor No 2 Applicants' representing the Emu and Blue Lizard Kungarakany group. They objected to the application on the basis that there are now two groups of people with the same negotiation rights in respect of the same claim area which would affect their rights and interests. The original applicants argued that the registrar, in deciding to accept the Town of Bachelor No 2 did not seek submissions from them, nor did the registrar notify the Northern Land Council (NLC), which is the responsible representative body in the area.

The court considered whether the original applicants had standing to bring the claim. It noted that a 'person aggrieved' for the purposes making an application for review under the ADJR Act included the original applicants on the basis that 'the potential beneficiary of the future act [was] unlikely to negotiate in a way which would give each of the negotiating registered native title applicants the same benefits as if there were only one group of registered native title applicants with whom those negotiations should be conducted': [20].

The court also considered the original applicant's argument that they were not afforded with procedural fairness. It noted that the right to procedural fairness does not arise automatically where parties have standing to challenge the Registrar's decision, however it considered that the NLC were the relevant representative

body for the area and was entitled to be notified of the Bachelor No 2 application.

The court also considered whether the claim was properly authorised. The Registrar noted that the applicant had been made in the first instance without legal assistance and did not expect the same level of organisation or legal sophistication that would otherwise be expected. However, the original applicants argued that the material did not allow the Registrar to reach the conclusion that there was a traditional decision making process in place nor did the application identify those with traditional authority or the basis for having such authority.

The court also considered whether the requirements of ss 190B and 190C and whether the Registrar erred in having regard to additional information provided by Bachelor No 2 claimants specifically for the purpose of a mediation in order. The court found that the Registrar fell into error by identifying a wrong issue and asking himself a wrong question in addressing procedural requirements in s 190C(2) and (4). Accordingly it was held that the decision to register the Bachelor No 2 application be set aside.

#### *Turrbal People v State of Queensland* [\[2008\] FCA 316](#)

Notice of motion seeking to replace an applicant in proceedings. The original applicant, Connie Isaacs sought to replace herself with Maroochy Barambah. This motion was opposed on the basis that she did not have the authority of the claim group to make this decision. The court considered whether the issue of whether a native title determination application has been properly authorised can be considered during a strike out application under s 84C of the Act. Justice Splender noted that the relevant issue was if an application were to succeed on its own terms, the court need to consider whether the applicants would not have been authorised by all those persons the Court would determine to be the members of the claim group. However he found that the factual inquiry of whether the claimants actually constitute the persons who actually hold the common or group rights and interests cannot be properly the subject of a strike out application.

It was argued that if the Court was not satisfied that there was a traditional decision making process in place there



was an alternative decision making process that was agreed to and adopted by the claim group. His Honour found this argument inconsistent but followed the previous decision of *Williams v Grant* which assumes that Connie Isaacs was authorised. Following this decision, if she had the authority to make the original application, she had the authority to decide on an altered position of the applicant.

### ***Foster v Que Noy* [2008] FCAFC 56**

Application seeking to overturn an order that removed Ms Majorie Foster as an applicant for the Kamu people in the Douglas North and Fish River Claims. The Applicant claimed that the trial judge had erred in concluding that she was properly removed according to s 66B of the Act. She argued that the decision to withdraw her was not made in accordance with traditional law and custom which would involve extensive negotiations and at a minimum, notification of the meeting where she was subsequently removed. However on appeal the Court found that whether or not the decision was made according to traditional law and custom was not challenged during the initial nor was the requirement of notice consistent with a decision making process based on traditional law and custom.

### ***Glasshouse Mountains Gubbi Gubbi People v Registrar Native Title Tribunal* [2008] FCA 529**

Application for a review of the decision of Native Title Tribunal Registrar not to accept a native title claim for registration on the Register of Native Title Claims. The court considered the operation of the Native Title Amendment Act 1998 and the registration test and whether the Registrar was empowered to not accept the claim for registration where the claim was already registered.

The current claim fell under the transitional provisions of the Native Title Amendment Act 2007 (Cth) which states that applications made before the 1998 amendments need to satisfy the registration test (which was introduced by the 1998 amendments). The registrar notified the applicants of when the registration test will be applied and sought further information by a certain date. The applicants, who were unrepresented, requested more time, and were rejected.

The applicants argued that the Registrar was not empowered to not accept the claim for registration since it was already registered as a native title claim under the old legislation and accordingly could not remove the claim from the claims register. In failing to accept the claim and subsequently removing it, the Registrar has denied the Applicants procedural fairness.

It was argued that the applicants had enjoyed the benefits of registration prior to the amendments and any statute that purported to remove this right should do so in plain language. However the Commonwealth argued that the legislation should have a broader interpretation given that the legislation mandated a statutory obligation to examine a claim against the requirements of ss 190, 190A, 190B and 190C. This view was accepted.

The Applicants also argued that there was no express power to remove the claim although the Commonwealth noted that there were circumstances that implied such a power. It was found that the legislation requires the Registrar to apply ss190B and 190C and update the register of claims accordingly.

It was also found that the Applicants were given sufficient notice to respond to the Registrar and provide further materials to comply with the amendments. Accordingly there was no denial of procedural fairness by the Registrar and the application was dismissed.

### ***Australian Manganese Pty Ltd/Western Australia/David Stock and Others on behalf of the Nyiyaparli People*, [2008] NNTTA 38**

Application for determination for the grant of mining lease. Section 39 criteria was considered and it was found that the future act had a limited effect on the enjoyment of registered native title rights and interests. The claimants had put forward a worse case scenario although this was rejected and it was found that the mining lease would have no effect on sites of particular significance. The issue of compensation was considered although it was held that there was no power to impose a condition for the payment of compensation.

*Ned Cheedy and Others on behalf of Yindjibarndi #1/ Western Australia/ Cazaly Iron Pty Ltd, [2008] NNTTA 39*

Involves an objection to a proposed grant of exploration licence. It was considered whether the act was likely to interfere directly with the carrying on of community or social activities, sites of particular significance or cause major disturbance to land or waters. There was an existing agreement that objection be withdrawn although the native title party declined to withdraw. However there was no consideration of the dismissal of objection on the basis of the agreement because the act was considered to be an expedited procedure.

## International

*Lax Kw'alaams Indian Band v. Canada (Attorney General), 2008 BCSC 447*

The plaintiff Lax Kw'alaams is an Indian Band whose name means "place of small wild roses". It is comprised of approximately three thousand members. Most members reside on the Lax Kw'alaams Indian Reserve located approximately 30 km North of Prince Rupert. They are known colloquially as a "fishing people" and claim to have descended from nine Tsimshian tribes (the "Coast Tsimshian") who long before contact with any European soul, occupied territories and fishing sites in or near the coastal area of Northwest British Columbia, along and between the Lower Skeena and Nass Rivers, and on the inlets and islands between their estuaries, and extending to the North end of Grenville Channel (the "Claimed Territories").

They also claim to have utilized the fruits of the seas and rivers in their Claimed Territories for food, social, ceremonial and commercial purposes long before the white man came, and would have continued to do so to the present day but for the unjustifiable interference of the Government of Canada as represented by the defendant.

The plaintiffs claim that their right to fish on a commercial scale is an integral part of their distinctive culture, and ask this court to declare it as such. They say that the Fisheries Act, R.S.C. 1985, c. F-14 and the

Fisheries Act, R.S.B.C. 1996, c. 149 and ancillary legislation infringes on this aboriginal right and breaches the protection granted to aboriginal rights under s. 35 of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.), 1982 c. 11, reprinted R.S.C. 1985, App. II, No. 44. They also say that the defendant has breached its unique duty to the plaintiffs based on fiduciary principles and the honour of the Crown.

## Agreements

### Australia

[Single Noongar Claim – Memorandum of Understanding](#)

Statement by Deputy Premier Eric Ripper, WA Hansard 19 March 2008

The South West Aboriginal Land and Sea Council signed a memorandum of understanding to progress native title negotiations in the south west corner of Western Australia. The State has agreed to begin negotiations to develop benefits packages for each of the five large claims that underlie the Single Noongar claim, the Gnaala Karla Booja; Yued; Ballardong; South West Boojarah 2; and Wagyl Kaip. The benefits packages will either be applied as compensation for extinguishment of native title, if native title is found to exist within the claim areas, or form part of an alternative settlement agreement, thereby recognising the claimants' traditional connections to the land.

Under the memorandum, the state will provide approximately \$2.65 million over the next three years. This is primarily for developing and implementing a capacity building program for each of the claimant groups and facilitating the establishment of legal entities for managing any benefits that may flow from the negotiations. The memorandum sets out a process for considering genealogical facts that were presented as evidence during the Single Noongar claim trial. The memorandum sets out to recognise that the negotiation of native title agreements is complex, involving the interests of many parties; affirm the government's commitment to resolving claims through agreement, wherever possible; and indicate the underlying good

faith between the parties. It means that the South West Land and Sea Council can engage effectively with the state to reach agreement regarding the Single Noongar claim.

## International

### [Agreement Concerning a New Relationship Between The Government of Canada and the Cree of Eeyou Istchee](#)

The agreement, which includes \$1.4 billion in compensation, is broad in nature in that it:

- brings resolution to litigation over past implementation of the James Bay and Northern Quebec Agreement (JBNQA);
- resolves other disputes not necessarily related to the JBNQA;
- clarifies the federal responsibilities the Cree Regional Authority will administrate for the next 20 years;
- establishes a two-phased process for modernizing Cree governance; and
- establishes a dispute resolution mechanism.

### Canada, Seton Lake Indian Band and Province of British Columbia Reach Final Agreement on Settlement

The Seton Lake Indian Band will receive \$600,000 from Canada and 31.6 acres of land from the Province which Minister Strahl will recommend be added to the reserve under the department's Additions to Reserve Policy. If the Band acquires other lands in the area, the Minister will, subject to the terms of the Additions to Reserve Policy, which requires consultation with local government, recommend the addition of up to another 168 acres of rural land in the area.

# Native title in the News

## National

01-Mar-08 NATIONAL **Native Title Talks** The Federal Government will 'seek to negotiate more settlements to native title claims' with Attorney General Robert McClelland saying that 'the Government would also try to make native title more effective in providing economic development opportunities for Indigenous people'. *Burnie Advocate* (Burnie, 1 March 2008), 17; 'Native Title Shake Up to Boost Communities' *Age* (Melbourne, 7 March 2008), 2; 'End native title litigation says AG' *Australian* (National, 7 March 2008), 30; 'ALP promises major change on native title' *West Australian* (Perth, 7 March 2008), 18; 'Native title to be fast tracked' *National Indigenous Times* (Malua Bay, 6 March 2008), 10.

01-Mar-08 NATIONAL **Industry leaders to review Kimberley and NW potential** Mining Industry leaders 'will convene on Broome from March 17 to 19 to review the future for mining and development' of the North West and Kimberley region. The conference will be held at the Cable Beach resort. *Mining Chronicle* (National, March 2008), 124.

07-Mar-08 NATIONAL **Aborigines fighting intervention have a lot to contend with** Traditional owners Reggie Wurrildjal and Joy Garlbin from western Arnhem Land are challenging the federal government's Northern Territory National Emergency Response Act on the basis that no 'just terms have been offered'. They also argue that 'just terms are not just a monetary payoff. Maningrida wants the likes of sacred sites and traditional foraging rights protected from interference by the intervention; and Bawinanga wants its considerable assets protected from seizure'. *Australian* (National, 7 March 2008), 29.

25-Mar-08 NATIONAL **Legal Aid tops attorney-generals agenda** South Australian Attorney General Michael Atkinson will 'host the first Standing Committee of Attorney General' and will 'also urge state and federal attorney general to follow his state lead in settling

indigenous land claims in a practical and consultative way rather than through expensive native title court cases'. *Australian Financial Review* (National, 25 March 2008), 9

28-Mar-08 NATIONAL **Leader demands real value of land** Indigenous leader Galarrwuy Yunupingu has 'called for Aboriginal land to be given its real value through more flexible leasing arrangements that also take into account mineral wealth'. *Australian* (National, 28 March 2008), 7.

01-Apr-08 NATIONAL **Macklin snubs justice report** Indigenous Affairs Minister Jenny Macklin has stated that the 'Government would conduct an independent and transparent review of the intervention' and has said that the Human Rights and Equal Opportunity Social Justice Report's recommendations may be included in the inquiry. Social Justice Commissioner Tom Calma has argued that there should be a '10 point action plan to hose down the intervention and restore what he sees as basic human rights'. *Australian* (National, 1 April 2008), 1; 'Reject measures that are biased' *Australian* (National, 1 April 2008), 4; 'No evidence of research based policy' *National Indigenous Times* (National, 3 April 2008), 25; 'Native title progress 'slow or non existent' *Lawyers Weekly* (National, 4 April 2008), 1; 'Evidence rules cause native title 'nightmare' *Australian Financial Review* (National, 4 April 2008), 65; 'Time to ask the big native title questions' *Financial Review* (National, 11 April 2008), 53; 'Chasm in indigenous affairs' *Australian* (National, 29 April 2008), 15.

01-Apr-08 NATIONAL **Native Title labelled a 'legal nightmare'** Comments made by the Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma in his Native Title Report 2007 have been supported by Former Federal Court Judge Ron Merkel who 'accused the High Court of creating a 'factual and legal nightmare' in setting 'horrendously difficult' evidentiary hurdles. *Financial Review* (National, 1 April 2008), 11.

11-Apr-08 NATIONAL **Push for Aboriginal rights over resources** Jon Altman, the ANU Director of the Centre for Aboriginal Economic Policy Research said that laws should be 'changed to give Aboriginal people greater rights over natural resources'. Mr Altman said that 'consideration needed to be given to the idea [of] amending the law to provide indigenous land owners

with legal property rights over resources occurs in the US and most Canadian provinces'. *Australian* (National, 11 April 2008), 6; 'Bridging the cultural divide' *Earth matters* (National, 1 April 2008), 8.

12-Apr-08 NATIONAL **Judge Sackville retires** Justice Sackville is retiring from the Federal Court. *Weekend Australian* (National, 12 April 2008), 35.

12-Apr-08 NATIONAL **Getting down to brass tacks on indigenous treaty** The 2020 summit provided the opportunity to consider a treaty between the Australian government and the Indigenous people of Australia. He argues that the 'starting point for a treaty should be acknowledgement of our history, including that indigenous people were the prior occupiers of the land, the injustices done to them and that the settlers who came later are to stay. Acknowledgement should be followed by negotiation rather than consultation.' *Canberra Times* (Canberra, 12 April 2008), 7.

## New South Wales

15-Mar-08 NSW **Aboriginal workshop** A workshop on agreement making and land and water management was held at Corindi on 19 March 2008. The workshop focused on the Aboriginal Natural Resource Agreement Kits. *Daily Examiner* (Grafton, 15 March 2008), 3.

18-Mar-08 NSW **No view on land claim** The Glen Innes Severn Council has 'decided not to oppose an Aboriginal land claim over vacant crown land on the South-West boundary of Glen Innes'. The claim was made by the Glen Innes Aboriginal Lands Council under the Aboriginal Land Rights Act 1983. *Glen Innes Examiner* (Glen Innes, 18 March 2008), 3.

26-Mar-08 NSW **Restoring the land** Three local Aboriginal land councils, the Yaegl, Thirny Island and Birrigan, Local Aboriginal Land Council have been 'awarded grants to help restore and protect their land'. *Clarence Valley Review* (Iluka, 26 March 2008), 4.

11-Apr-08 NSW **Pursuing claim** A native title claim on land at Lake Cowal is still ongoing. The claim was lodged by the Wiradjuri Condobolin Corporation and two unit groups the Mooka united families and the Kalarie united traditional families. The claims are still before the Federal



Court and have not been finalised. *Lachlander* (Condobolin, 11 April 2008), 5.

## Northern Territory

### 04-Mar-08 NT **Macklin to offer land lease deal**

Indigenous Affairs Minister Jenny Macklin will offer the Indigenous community of Groote Eylandt the opportunity to 'opt for a shorter lease in the first practical application of amendments to the individual indigenous home ownership scheme'. The township had previously 'reached in principle agreements with the commonwealth for 99 year leases over their land in exchange for projects that would be worth \$20 million'. The government is considering amending the Land Rights Act 1976 to 'give communities the option to sign on to shorter township leases'. *Australian* (National, 4 March 2008), 8; 'Govt reviews short leases for townships' *Northern Territory News* (Darwin, 4 March 2008), 2; 'Grants to help those struck down by genetic lottery' *Age* (Melbourne, 5 March 2008), 6; 'Macklin clears way for indigenous leases' *Australian* (National, 5 March 2008), 4; 'Dreaming of an equal chance' *Weekend Australian* (National, 29 March 2008), 29.

05-Mar-08 NT **Permit System reinstated** Indigenous affairs Minister Jenny Macklin has introduced amendments that will 'remove the right of people (except government officials and journalists) to access remote Aboriginal communities unless they have a permit'. Sarah Hudson from the Centre of Independent Studies argues that land council control of the permit system has 'stifled business and tourism opportunities'. The Media Entertainment and Arts Alliance has released a 'proposed code of conduct for journalists entering Aboriginal towns'. *Northern Territory News* (Darwin, 5 March 2008), 17; 'Open access' *Geelong Advertiser* (Geelong, 10 March 2008), 15; 'Controversial leases under scheme could be shorter, Macklin says' *National Indigenous Times* (Malua Bay, 6 March 2008), 6; 'Media union adds its own barriers to permit system' *Australian* (National, 18 March 2008), 3; 'Barriers to permit system' *Australian* (20 March 2008), 17.

05-Mar-08 NT **Fresh challenge** The Northern Territory's Mineral Council's executive director Kezia Purick has left the organisation to join Austwide Mining Title Management. *Northern Territory News* (Darwin, 5 March 2008), 23.

08-Mar-08 NT **Decade long title bid fails** Native title claimant Tibby Quall on behalf of the Danggalaba clan has been refused leave to appeal a decision to not recognise native title over the Darwin region. Mr Quall argued that the hearing should be adjourned until he could find sufficient legal representation. However justices Kenneth Hayne and Susan Crennan said that 'Mr Quall would not have sufficient chance of success to give him special leave to appeal'. *Northern Territory News* (Darwin, 8 March 2008), 11.

18-Mar-08 NT **Investigation ordered into feuding land council** Indigenous Affairs Minister Jenny Macklin and Finance Minister Lindsay Tanner have ordered an inquiry into the management of the Northern Land Council. *Australian* (National, 18 March 2008), 7; 'Review into powerful land council' *Age* (Melbourne, 18 March 2008), 3; 'Land council in the red' *Australian* (National, 17 March 2008), 2; 'Northern Exposure' *Australian* (National, 19 March 2008), 13; 'NLC Staff pursue bullying compo' *Australian* (National, 19 March 2008), 8; 'Land council investigation' *Launceston Examiner* (Launceston, 18 March 2008), 12; 'Land council probe' *Canberra Times* (18 March 2008), 2; 'Land council to be investigated' *Northern Territory News* (Darwin, 18 March 2008), 6; 'Cwealth announces investigation into NLC' *National Indigenous Times* (National, 20 March 2008), 4.

19-Mar-08 NT **Land owners pull support for Rio's sale of uranium** Rio Tinto has 'lost critical support for the proposed sale of its high grade Kintyre uranium deposit'. Offers made by Rio to the 'Martu people, the traditional owners, to win their support for the sale are 'embarrassingly low' despite their support being critical to the development of the Kintyre deposit. *West Australian* (Perth, 19 March 2008), 79; 'Rio loses support of Martu' *Sydney Morning Herald* (Sydney, 19 March 2008), 28; 'Martu back away from Rio over WA's Kintyre uranium stake' *Age* (Melbourne, 19 March 2008), 1.

### 03-Apr-08 NT **Old ways to fight climate change**

Northern Territory Chief Minister Paul Henderson 'said that indigenous people could help combat climate change while creating jobs that focus on the land'. Mr Henderson said that there can be scope to adopt traditional knowledge and practices for land management in the NT. *Northern Territory News* (Darwin, 3 April 2008), 9.

09-Apr-08 NT **Katherine Times** A public hearing will be held April 30 to discuss the changes to the intervention.

The Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008 was referred to the Senate's Community Affairs Committee on March 19 for inquiry and report to May 7. *Katherine Times* (Katherine, 9 April 2008), 5.

11-Apr-08 NT **Knowledge to save wildlife** The Threatened Species Network has said that there may be a role for local Aboriginal elders in the protection of rare animals in Central Australia at the Arid Zone Recovery Team forum held in Alice Springs. *Centralian Advocate* (Alice Springs, 11 April 2008), 9.

14-Apr-08 NT **Gran faces ruin after losing fight** Majorie Forster has lost a fight with her children to 'negotiate over a planned gas pipeline to run through Kamu land in the Daly River region'. Federal Court judge Justice Mansfield dismissed her appeal. It was argued in the appeal by the Northern Land Council, who represented her children that Mrs Foster was not 'acting in her clan's interests'. *Northern Territory News* (Darwin, 3 April 2008), 9.

## Queensland

19-Mar-08 QLD **Reconnecting with country** Traditional owner rangers, Yuku BajaMuliku men 'are the new custodians of more than 1600 hectares of Aboriginal freehold land in the Annan River and Archer Point area. 'The rangers will be responsible for the 'maintenance of existing camp grounds, building new camp grounds, feral animal and weed management and track maintenance'. This program is similar to ranger programs in Cape York. *Cooktown Local News* (Cooktown, 19 March 2008), 9.

20-Mar-08 QLD **Past Present and future come together with Girramay Land Use Agreement** The Cardwell Shire Council has signed an Indigenous Land Use Agreement with the Girramay People. The Girramay people originally lodged their claim in 1997 which covers an area from the Murray River south to the Cardwell Shire boundary. *Tully Times* (Tully, 20 March 2008), 3.

27-Mar-08 QLD **Aboriginal elders form land groups** Indigenous elders will have 'greater input into land management issues following the set up of the Queensland Murray Darling Committee Regional

Aboriginal Advisory Group.' The Group will 'provide technical advice to the QMDC about cultural heritage and natural resource management issues'. *Balonne Beacon (St George)* (St George, 27 March 2008), 3.

27-Mar-08 QLD **Managing linked to tenure security** Former land commissioner Peter Tannock has said that leaseholders should familiarise themselves with the state strategy for managing rural leasehold land. Under the scheme 'security of tenure will now be linked to land condition assessments, indigenous land use agreements and access agreements'. *Queensland Country Life* (Queensland, 27 March 2008), 19.

29-Mar-08 QLD **Gubbi Gubbi dam fight** Gubbi Gubbi traditional owner Eve Fesl is challenging the State Government's 'bid to extinguish the Native Title claims of the Gubbi Gubbi group' in order to continue with the construction of a dam in the area. The Gubbi Gubbi had originally rejected an 'Indigenous Land Use Agreement in defence of the sacred lungfish...which [are] regarded as a symbol of the connection of people with the land'. *Gympie Times* (Gympie, 29 March 2008), 9.

07-Apr-08 QLD **Bligh opposes title claim** The Queensland Government will attempt to strike out a native title claim that 'threatens the Traverston Dam'. The government owner corporation, Queensland Water Infrastructure is intervening in the case in order to undermine the native title claim of the Gubi Gubi people. *Australian* (National, 7 April 2008), 8.

09-Apr-08 QLD **Vital watershed moment for mine after agreement** Vital Metals has signed an Indigenous Land Use Agreement with the Western Yalanji people covering an area of 6348 hectares. The agreement was 'negotiated directly between Vital Metals and the traditional owners facilitated by the North Queensland Land Council'. It has been submitted to the National Native Title Tribunal for registration. *Tablelands Advertiser* (Marreeba, 9 April 2008), 10.

23-Apr-08 QLD **Long term leases under land reforms** Proposed amendments to the Aboriginal and Torres Strait Islander Land Acts mean that 'new land tenure agreements will allow residents [of Cape York] to obtain 99 year leases on house and 30 year leases on businesses'. Natural Resources and Water Minister Craig Wallace said that 'the land tenure reform was vital to family, community and business stability'. This has also been supported by Palm Island Mayor Alf Lacey. *Cooktown*

*local News* (Cooktown, 23 April 2008), 3; 'Land leases give island greater scope' *Townsville Bulletin* (Townsville, 26 April 2008), 18; 'New lease will create 99 year housing and commercial leases for indigenous communities' *Western Cape Bulletin* (Weipa, 23 April 2008), 5.

23-Apr-08 QLD **Native title farce** The Gubbi Gubbi group lodged a claim with the NNTT in 1996 to register a claim over the Glasshouse Mountains which was later deregistered under the 2006 amendments. Gubbi Gubbi elder Dr Eve Fels said that 'she had been surprised to learn that the change was retrospective'. *Sunshine Coast Daily* (Maroochydore, 23 April 2008), 11.

## South Australia

19-Mar-08 SA **Notice initiating negotiations with native title parties** A notice issued by Pirie Resources initiating negotiations with native title parties concerning proposed exploration has been issued. *Advertiser* (Adelaide, 19 March 2008), 82

24-Apr-08 SA **Forum to protect Aboriginal culture** A caring for country forum will be held in Port Augusta from 25-26 September providing an opportunity 'for Aboriginal people across SA to talk together and hear about successful aboriginal projects that help care for the land and discuss a range of challenges that need addressing to assist Aboriginal communities to get more involved'. *Stock Journal (SA)* (South Australia, 24 April 2008), 17.

24-Apr-08 SA **Crucial meeting to discuss 'land grab'** The Federal Government has offered \$25 million for new housing on the Anangu Pitjantjatjara Yankunytjatjara Lands but 'only on the condition that it is leased back to the state government for 50 years'. A meeting has been called so that the traditional owners the Anangu can discuss the conditions under which the leases can override their land rights. *Adelaide Advertiser* (Adelaide, 24 April 2008), 28.

## Victoria

14-Mar-08 VIC **Native title claims overhaul** Indigenous Leader Mick Dodson 'will head a new committee to overhaul the way native title claims are resolved in Victoria'. The new system 'aims to settle disputes outside

the court system with the State Government negotiating directly with traditional owners'. Victorian Attorney General Robert Hulls said that 'indigenous groups will need to prove their traditional connection to the land claimed'. *Age* (Melbourne, 14 March 2008), 8

27-Mar-08 VIC **Land claim changes possible** A new framework developed between the Victorian State Government and the traditional landowners aims to minimise 'waiting periods for native title claim settlements'. Deputy Premier and Attorney General Rob Hulls said 'the development of the framework would allow the State Government to be proactive rather than reactive when settling claims'. *Warrnambool Standard* (Warrnambool, 27 March 2008), 4.

29-Mar-08 VIC **Lake Condah returns to its indigenous owners** The Gunditjmarra Aboriginal nation will 'regain control of the remainder of Lake Condah State Reserve' when Environment Minister Gavin Jennings hands 'over ownership of the Kerrup Jmara homelands to the Gunditj Mirring Traditional Owners Aboriginal Corporation'. This follows last years consent determination recognising Gunditjmarra rights and interests. *Warrnambool Standard* (Warrnambool, 29 March 2008), 7; 'Melbourne' *Queensland Times* (Ipswich, 31 March 2008), 23; 'Lake returned to Aborigines' *Herald Sun* (Melbourne, 31 March 2008), 10; *Daily Mercury* (Mackay, 31 March 2008), 10; *Chronicle* (Toowoomba, 31 March 2008), 24; 'Land returned in native title victory' *Sunraysia Daily* (Mildura, 31 March 2008), 13; *Age* (Melbourne, 31 March 2008), 7; *Daily News* (Warwick, 31 March 2008), 6; *News-Mail* (Bundaberg, 31 March 2008), 26; 'Aboriginal group gets native title' *Ballarat Courier* (Ballarat, 31 March 2008), 4; 'Native Title granted' *Bendigo Advertiser* (Bendigo, 31 March 2008), 3; 'Aboriginal group wins claim' *Geelong Advertiser* (Geelong, 31 March 2008), 9; 'Lake Condah Native title to be returned' *Portland Observer* (28 March 2008), 5; 'Lake returns to its traditional owners' *Warrnambool Standard* (Warrnambool, 31 March 2008), 5.

31-Mar-08 VIC **Mining giants urged to give Aborigines fair share** Federal Resource Minister Martin Ferguson has said that the 'minerals boom should deliver economic benefits to remote communities' and supported the 'idea of traditional owners taking a direct stake in projects through share holdings rather than sitting back and waiting for passive income or handouts'. *Age* (Melbourne, 31 March 2008), 5.

04-Apr-08 VIC **Native title provides certainty** The Gunditj Mirring Traditional Aboriginal Corporation 'now controls 3000 hectares of land' following the handover of Lake Condah. Chairman Damien Bell said that 'plans for Lake Condah's water restoration could now move forward with more certainty of title'. *Portland Observer* (Portland, 4 April 2008), 9.

## Western Australia

08-Mar-08 WA **Native Title no Gift for Roeburn** The recognition of the native title rights and interests of the Ngarluma and Yindjibarndi has also meant that 'people had to a part of a legally defined tribal group'. This has led to the emergence of a flurry of claimants, some based around small family groupings'. Little has progressed since the successful claims and the money that has come from the native title process has 'not been widely distributed in the community.' There is also continuing debate between the state and federal government in terms of who will control the development of the Burrup with the Federal Court ruling that native title in the region has been extinguished'. *West Australian* (Perth, 8 March 2008), 21

28-Mar-08 WA **Indigenous veto threat to State development: Libs** State Development Minister Eric Ripper has 'confirmed that the development of a...gas hub in the Browse Basin off Broome would centre on approval by the land's indigenous owners'. *West Australian* (Perth, 28 March, 2008), 14; 'Indigenous power to veto is a danger, says Barnett' *West Australian* (28 March 2008), 14.

01-Apr-08 WA **Public debate on native title** A national conference to 'promote public debate about native title and Indigenous people's interests in land and waters will take place in Perth from 3 to 5 June'. The event will be hosted by the South West Aboriginal Land and Sea Council and the Australian Institute of Aboriginal and Torres Strait Islander Studies. SWALSC executive Glen Kelly said that 'Noongar native title is not simply about land, it is a historic opportunity for the State and Commonwealth to turn a new page in relation to the Noongar people'. *Western Suburbs Weekly* (Perth, 1 April 2008), 39; 'Conference to debate native title issues' *Melville Times* (Perth, 8 April 2008), 171 'Native Title Conference' *Weekend Courier* (Rockingham, 11 April 2008), 38.

01-Apr-08 WA **Martu people find hope at Lake Disappointment in historic deal with Reward** Reward Minerals has signed a landmark agreement with the Western Desert Lands Aboriginal Corporation, representing the Martu people in WA. Under the agreement the Martu people will receive 'equity in the firm as a part of native title negotiations and gives Aboriginal approval to Reward' to go ahead with its planned potash mine at Lake Disappointment'. This agreement is the first of its kind with WDLAC securing 7 million unlisted options in Rewards Minerals, in contrast to passive royalty agreements reached with traditional owners. WDLAC chairman Teddy Biljabu said 'gone are the days of the big boys treating us like speed humps in our own country'. *Age*, (Melbourne, 1 April 2008), 1; 'Landmark' *Adelaide Advertiser*, (Adelaide, 1 April 2008), 43; 'Landmark deal promises Reward for WA's Martu' *West Australian* (Perth, 1 April 2008), 39; 'Martu Reap Reward' *Herald Sun* (Melbourne, 1 April 2008), 25; 'A share of the rewards' *Herald Sun* (Melbourne, 1 April 2008), 2; 'Reward sets new custom' *Courier Mail* (Brisbane, 1 April 2008), 67; 'Martu's landmark deal' *Financial Review* (National, 1 April 2008), 11; 'Indigenous mining share deal' *Sydney Morning Herald* (Sydney, 1 April 2008), 7.

08-Apr-08 WA **Kimberley resources key to indigenous people's future** Chairman of the Kimberley Land Council Wayne Bergman has argued that government, corporations and traditional owners need to work together in order to capitalise on the resource rich Kimberley region. Mr Bergman argues that 'gas developments in the Kimberley present major opportunities 'but at the same time there is a responsibility to bring Indigenous people 'out of poverty'. He argues that traditional owners are now 'negotiating an active role in shaping development' and that 'governments must support this initiative by insisting that development cannot occur without the informed consent of Aboriginal traditional owners'. *West Australian* (Perth, 8 April 2008), 20.

09-Apr-08 WA **Noongar website** The South West Aboriginal Land and Sea Council has launched a new website to 'keep the community informed about the Single Noongar Claim Appeal'. The site is [www.noongar.org.au](http://www.noongar.org.au) *Augusta Margaret River Mail* (Augusta, 9 April 2008), 3.

10-Apr-08 WA **Farm futures must be protected** Rob Gillam, president of the Pastoralists and Graziers



Association says that 'land tenure and native title issues would continue to dominate the PGA's pastoral agenda'. *Countryman (WA)* (Western Australia 10 April 2008), 9.

23-Apr-08 WA **Mining company helps out** Fox Resources has provided \$17 000 worth of audio equipment to the Ngarluma Aboriginal Corporation as a part of its heritage agreement with the native title holders supporting a cultural heritage recording project. *Pilbara News* (Pilbara, 23 April 2008), 5.

29-Apr-08 WA **Call for amendment after Perth claim thrown out** The National Native Title Council has 'called for the Native Title Act to be amended after the Federal Court set aside the indigenous Nyoongar people's claim over Perth'. The appeal was lodged by the Commonwealth and State Governments following the decision of Wilcox J recognising the continuous observance of traditional laws and customs. Bryan Wyatt Chief Executive of the council said that 'its time that the Government had a serious look at amending the Act to ensure the rights of indigenous people are upheld in these matters'. *Kalgoorlie Miner* (Kalgoorlie, 29 April 2008), 3; 'Amend Native Title Act, Council' *Barrier Daily Truth* (Broken Hill, 29 April 2008), 7; 'Calls to review land rights Act' *Wagga Daily Advertiser* (Wagga Wagga, 29 April 2008), 14.

30-Apr-08 WA **Support for indigenous land holding groups** The Southern Agricultural Indigenous Landholder Service (SAILS) was established in 2006 and is designed to assist 'farms with implementing sustainable land use natural resource and latest agricultural best practice management' while working collaboratively with indigenous land managers. The organisation has also been involved with assisting Aboriginal corporations 'with the transition from old constitutions' under the CATSI changes. *Esperance Express* (Esperance, 30 April 2008), 11.

25-May-08 WA **Court's native title ruling was flawed: claimants** A Federal Court ruling 'that has sent the

landmark Nyoongar native title claim over Perth back to the drawing board has significant legal flaws' and may be appealed to the High Court, says claimants. The Court did not decide whether or not the Noongar people hold native title over the area, the merely held that the trial judge didn't follow the right process for determining their connection to the Perth area. The Noongar claimants will have to return to court to give further evidence about specific connection to the Perth area and their continued acknowledgement of the laws and customs presented in the first trial. The South West Aboriginal Land and Sea Council has said that 'the alternative agreements [settlement] lacks certainty and may not go far enough for the Nyoongar claimants'. *West Australian* (Perth, 25 April 2008), 10; *Daily Examiner* (Grafton, 25 April 2008), 13; *Queensland Times* (Ipswich, 25 April 2008), 26; *Kalgoorlie Miner* (Kalgoorlie, 29 April 2008), 3; 'Amend Native Title Act, Council' *Barrier Daily Truth* (Broken Hill, 29 April 2008), 7; 'Calls to review land rights Act' *Wagga Daily Advertiser* (Wagga Wagga, 29 April 2008), 14; *Gladstone Observer* (Gladstone, 25 April 2008), 14; 'Setback' *Launceston Examiner* (Launceston, 24 April 2008), 11; 'Ruling in Perth native title case' *Financial Review* (24 April 2008), 17; 'Appeal puts native title case in limbo' *West Australian* (Perth, 24 April 2008), 4; 'Appeal upheld on native title in Perth case' *West Australian* (Perth, 20 April 2008), 4; 'Native title 'does not exist over Perth' *Sunraysia Daily* (Mildura, 24 April 2008), 15; *Morning Bulletin* (Rockhampton, 24 April 2008), 14; 'Ruling on native title overturned' *Australian* (National, 24 April 2008), 2.

## Native Title Determination Applications

DATE FILED	APPLICATION NAME	APPLICATION TYPE	STATUS	STATE/TERRITORY	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
02/04/2008	<a href="#">Githabul People #2</a>	Claimant application	Active	Queensland	QC08/4	QUD66/08
27/03/2008	<a href="#">Dawn Margaret Brown</a>	Claimant application	Active	South Australia	SC08/1	SAD36/08
11/03/2008	<a href="#">Wongkumara People</a>	Claimant application	Active	New South Wales, Queensland	QC08/3	QUD52/08

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 12 May 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="#">Combined Mandingalbay Yidinji - Gungandji</a>	QC99/39-3	QUD6016/01	Not Accepted	21/04/2008	03/12/1999
<a href="#">Borroloola/Gulf Region</a>	DC97/2-2	NTD6021/98	Accepted	14/04/2008	08/04/1997
<a href="#">Lorella-Nathan River</a>	DC02/30-2	NTD6031/02	Not Accepted	14/04/2008	24/10/2002
<a href="#">Gunditjmara #2</a>	VC06/1-2	VID655/06	Not Accepted	14/04/2008	09/06/2006
<a href="#">Ballaruks Peoples</a>	WC95/86-3	WAD149/98	Not Accepted	14/04/2008	28/12/1995
<a href="#">Wongkumara People</a>	QC08/3-1	QUD52/08	Accepted	12/04/2008	11/03/2008
Rail Corridor 8	DC98/8-2	NTD6036/98	Not Accepted	10/04/2008	26/03/1998
Rockhampton-Brunette Downs	DC03/1-2	NTD6001/03	Not Accepted	08/04/2008	12/02/2003
Gurambilbarra People	QC05/9-2	QUD97/05	Not Accepted	04/04/2008	11/04/2005

Camfield Montejinni	DC02/17-2	NTD6018/02	Not Accepted	03/04/2008	17/07/2002
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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 12 May 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="#">Ti Tree Lake (Taylor's Lake) (ILUA 3)</a>	NI2006/005	Area agreement	NSW	22/04/2008	Co-management Consultation protocol
<a href="#">NT Oil Ltd: EP 127 and 128 ILUA</a>	DI2007/002	Area agreement	NT	15/04/2008	Exploration
<a href="#">Traveston Crossing Dam ILUA</a>	QI2007/003	Area agreement	QLD	14/04/2008	Development
<a href="#">Witjira National Park ILUA</a>	SI2006/017	Area agreement	SA	25/03/2008	Co-management
<a href="#">Warraber Island Primary Health Care Centre ILUA</a>	QI2007/029	Area agreement	QLD	11/03/2008	Access
<a href="#">Yandruwandha/Yawarrawarrka Mertj Mertj Pastoral ILUA</a>	SI2006/016	Area agreement	SA	07/03/2008	Access
<a href="#">Yandruwandha/Yawarrawarrka Tinga Tingana Pastoral ILUA</a>	SI2006/012	Area agreement	SA	07/03/2008	Access
<a href="#">Yandruwandha/Yawarrawarrka White Catch Pastoral ILUA</a>	SI2006/013	Area agreement	SA	07/03/2008	Access
<a href="#">Yandruwandha/Yawarrawarrka Innamincka Pastoral ILUA</a>	SI2006/011	Area agreement	SA	07/03/2008	Access
<a href="#">Yandruwandha/Yawarrawarrka Gidgealpa Pastoral ILUA</a>	SI2006/015	Area agreement	SA	07/03/2008	Access
<a href="#">Yandruwandha/Yawarrawarrka Bollards Lagoon Pastoral ILUA</a>	SI2006/014	Area agreement	SA	07/03/2008	Access

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) 12 May 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).

## Determinations

There have been no determinations of native title between 1/03/2008 and 30/04/2008.

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/Applications-And-Determinations/Search-Determinations/Pages/Search.aspx](http://www.nntt.gov.au/Applications-And-Determinations/Search-Determinations/Pages/Search.aspx) accessed 12 May 2008. For further information about native title determinations contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

## Future Act Consent Determinations

DETERMINATION DATE	TRIBUNAL FILE NO.	DECISION	PARTIES
29/04/2008	<a href="#">WF08/17</a>	Consent determination: future act can be done	Fortescue Metals Group Ltd and FMG Pilbara Pty Ltd (Applicant/grantee parties) - and - The State of Western Australia (Government party) - and - Angelina Cox & Ors on behalf of Puutu Kunti Kurrama and Pinikura People (WC01/5) (native title party)
17/04/2008	<a href="#">WF08/11</a>	Consent determination: future act can be done	Ollan Dimer and Others on behalf of Ngadju (WC99/2) (Applicant/native title party) - and - The State of Western Australia (Government party) - and - Acclaim Exploration NL (grantee party)
17/04/2008	<a href="#">WF08/9</a>	Consent determination: future act can be done	Cyril Barnes and Others on behalf of Central East Goldfields People (WC99/30)(Applicant/native title party) - and - The State of Western Australia (Government party) - and - Heron Resources Ltd (grantee party)
17/04/2008	<a href="#">WF08/7</a>	Consent determination:	Ollan Dimer and Others on behalf of Ngadju (WC99/2) (Applicant/native title party)



future act can be - and -  
 done The State of Western Australia (Government party)  
 - and -  
 Pangolin Resources Pty Ltd (grantee party)

This information has been extracted from the [National Native Title Tribunal website: http://oldsite.nntt.gov.au/futureact/Determinations.html](http://oldsite.nntt.gov.au/futureact/Determinations.html) accessed 12 May 2008. For further information about future act determinations contact the National Native Title Tribunal on 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).

## Other Future Act determinations

DATE	TRIBUNAL FILE NO.	DECISION	PARTIES
4/03/2008	WO07/1059	Objection -	Leonne Velickovic & Others on behalf of the Widji People -
	WO07/1060	Dismissed	WC98/27 (native title party)
	WO07/1070		-and-
	WO07/1072		The State of Western Australia (Government party)
	WO07/1073		-and-
	WO07/1074		Great Southern Mines NL (WO07/1059-WO07/1060
	WO07/1080		WO07/1070
	WO07/1081		WO07/1080-WO07/1074)
			Arocom Pty Ltd (WO07/1072)
			Peter Romeo Gianni
			Kim James Harris (WO07/1073)
			Peter Romeo Gianni (WO07/1074) (grantee parties)
7/03/2008	WO07/876	Objection -	Wintawari Guruma Aboriginal Corporation (native title party)
	WO07/877	Dismissed	-and-
	WO07/878		The State of Western Australia (Government party)
	WO07/879		-and-
	WO07/880		FMG Pilbara Pty Ltd (grantee party)
	WO07/881		
7/03/2008	WO07/876	Objection -	Wintawari Guruma Aboriginal Corporation (native title party)
	WO07/877	Dismissed	-and-
	WO07/878		The State of Western Australia (Government party)
	WO07/879		-and-
	WO07/880		FMG Pilbara Pty Ltd (grantee party)
	WO07/881		
13/03/2008	WO07/1046	Objection - Dismissed	Judy Hughes & Others on behalf of the Thalanyji People - WC99/45 (native title party) -and-

			The State of Western Australia (Government party) -and- BRL Exploration Pty Ltd (grantee party)
13/03/2008	WO07/1046	Objection - Dismissed	Judy Hughes & Others on behalf of the Thalanyji People - WC99/45 (native title party) -and- The State of Western Australia (Government party) -and- BRL Exploration Pty Ltd (grantee party)
14/03/2008	WO06/163 WO06/422 WO06/423 WO06/566 WO06/568 WO06/579 WO06/610 WO06/611 WO06/614 WO06/751 WO07/290 WO07/453 WO07/454 WO07/455 WO07/456 WO07/457 WO07/458 WO07/459 WO07/784 WO07/785 WO07/788 WO07/789 WO07/790 WO07/1033 WO07/1034 WO07/1035 WO07/1036 WO07/1391 WO07/1471	Objection - Dismissed	WO06/163 Doris Ryder & Others on behalf of the Lamboo Native Title Claimants - WC99/20 (native title party) -and- The State of Western Australia (Government party) -and- United Kimberley Diamonds NL (grantee party)  WO06/422 423 566 568 610 611 WO07/784 788 789 & WO07/790 Delores Cheinmora & Others on behalf of Balangarra Native Title Claimants - WC99/47 (native title party) -and- The State of Western Australia (Government party) -and- Bauxite Australia Pty Ltd (grantee party)  WO06/579 Paddy Neowarra & Others on behalf of the Wanjina Wungurr Wilinggin Native Title Claimants - WC99/11 (native title party) -and- The State of Western Australia (Government party) -and- Bauxite Australia Pty Ltd (grantee party)

WO06/614 & WO07/1471

Wilfred Goonack & Others on behalf of Uunguu Native Title Claimants - WC99/35 (native title party) -and-

The State of Western Australia (Government party)

-and-

Bauxite Australia Pty Ltd (grantee party)

WO06/751

Paddy Neowarra & Others on behalf of the Wanjina Wungurr Wilinggin Native Title Claimants - WC95/23 (native title party)

-and-

The State of Western Australia (Government party)

-and-

Bauxite Australia Pty Ltd (grantee party)

WO07/290

Maggie John & Others on behalf of the Malarngowem Native Title Claimants - WC99/44 (native title party)

-and-

The State of Western Australia (Government party)

-and-

Pathfinder Exploration Pty Ltd & Earth Australia Minerals Pty Ltd (grantee party)

WO07/453

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458 & WO07/459

Mark Lockyer & Others on behalf of Kurrama Marthudunera - WC99/12 (native title party)

-and-

The State of Western Australia (Government party)

-and-

Zanthus Resources Pty Ltd (grantee party)

WO07/785

Wanjina - Wungurr Aboriginal Corporation on behalf of its members - WC99/11 (native title party)

-and-

			The State of Western Australia (Government party) -and- Bauxite Australia Pty Ltd (grantee party)
			WO07/1033 1034 1035 & WO07/1036 Ike Simpson & Others on behalf of the Wajarri Yamatji WC04/10 (native title party) -and- The State of Western Australia (Government party) -and- U308 Ltd (grantee party)
			WO07/1391 Dorothy Tucker and Thelma Tucker representing the Narnooobinya Family Group - WC97/40 (native title party) -and- The State of Western Australia (Government party) -and- Global United Minerals Pty Ltd (grantee party)
14/03/2008	WO06/163	Objection -	WO06/163
	WO06/422	Dismissed	Doris Ryder & Others on behalf of the Lamboo Native Title Claimants - WC99/20 (native title party)
	WO06/423		-and-
	WO06/566		The State of Western Australia (Government party)
	WO06/568		-and-
	WO06/579		United Kimberley Diamonds NL (grantee party)
	WO06/610		
	WO06/611		WO06/422
	WO06/614		423
	WO06/751		566
	WO07/290		568
	WO07/453		610
	WO07/454		611
	WO07/455		WO07/784
	WO07/456		788
	WO07/457		789 & WO07/790
	WO07/458		Delores Cheinmora & Others on behalf of Balangarra Native Title Claimants - WC99/47 (native title party)
	WO07/459		-and-
	WO07/784		
	WO07/785		



WO07/788	The State of Western Australia (Government party)
WO07/789	-and-
WO07/790	Bauxite Australia Pty Ltd (grantee party)
WO07/1033	
WO07/1034	WO06/579
WO07/1035	Paddy Neowarra & Others on behalf of the Wanjina Wunggurr
WO07/1036	Wilinggin Native Title Claimants – WC99/11 (native title party)
WO07/1391	-and-
WO07/1471	The State of Western Australia (Government party)
	-and-
	Bauxite Australia Pty Ltd (grantee party)
	WO06/614 & WO07/1471
	Wilfred Goonack & Others on behalf of Uunguu Native Title
	Claimants - WC99/35 (native title party) -and-
	The State of Western Australia (Government party)
	-and-
	Bauxite Australia Pty Ltd (grantee party)
	WO06/751
	Paddy Neowarra & Others on behalf of the Wanjina Wunggurr
	Wilinggin Native Title Claimants – WC95/23 (native title party)
	-and-
	The State of Western Australia (Government party)
	-and-
	Bauxite Australia Pty Ltd (grantee party)
	WO07/290
	Maggie John & Others on behalf of the Malarngowem Native Title
	Claimants – WC99/44 (native title party)
	-and-
	The State of Western Australia (Government party)
	-and-
	Pathfinder Exploration Pty Ltd & Earth Australia Minerals Pty Ltd
	(grantee party)
	WO07/453
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458 & WO07/459

Mark Lockyer & Others on behalf of Kurrama Marthudunera –  
WC99/12 (native title party)

-and-

The State of Western Australia (Government party)

-and-

Zanthus Resources Pty Ltd (grantee party)

WO07/785

Wanjina – Wunggurr Aboriginal Corporation on behalf of its  
members – WC99/11 (native title party)

-and-

The State of Western Australia (Government party)

-and-

Bauxite Australia Pty Ltd (grantee party)

WO07/1033

1034

1035 & WO07/1036

Ike Simpson & Others on behalf of the Wajarri Yamatji WC04/10  
(native title party)

-and-

The State of Western Australia (Government party)

-and-

U308 Ltd (grantee party)

WO07/1391

Dorothy Tucker and Thelma Tucker representing the Narnoobinya  
Family Group – WC97/40 (native title party)

-and-

The State of Western Australia (Government party)

-and-

Global United Minerals Pty Ltd (grantee party)

14/03/2008	WO06/163	Objection -	WO06/163
	WO06/422	Dismissed	Doris Ryder & Others on behalf of the Lamboo Native Title
	WO06/423		Claimants – WC99/20 (native title party)
	WO06/566		-and-
	WO06/568		The State of Western Australia (Government party)
	WO06/579		-and-
	WO06/610		United Kimberley Diamonds NL (grantee party)
	WO06/611		

WO06/614	WO06/422
WO06/751	423
WO07/290	566
WO07/453	568
WO07/454	610
WO07/455	611
WO07/456	WO07/784
WO07/457	788
WO07/458	789 & WO07/790
WO07/459	Delores Cheinmora & Others on behalf of Balanggarra Native Title
WO07/784	Claimants - WC99/47 (native title party)
WO07/785	-and-
WO07/788	The State of Western Australia (Government party)
WO07/789	-and-
WO07/790	Bauxite Australia Pty Ltd (grantee party)
WO07/1033	
WO07/1034	WO06/579
WO07/1035	Paddy Neowarra & Others on behalf of the Wanjina Wunggurr
WO07/1036	Wilonggin Native Title Claimants - WC99/11 (native title party)
WO07/1391	-and-
WO07/1471	The State of Western Australia (Government party)
	-and-
	Bauxite Australia Pty Ltd (grantee party)
	WO06/614 & WO07/1471
	Wilfred Goonack & Others on behalf of Uunguu Native Title
	Claimants - WC99/35 (native title party) -and-
	The State of Western Australia (Government party)
	-and-
	Bauxite Australia Pty Ltd (grantee party)
	WO06/751
	Paddy Neowarra & Others on behalf of the Wanjina Wunggurr
	Wilonggin Native Title Claimants - WC95/23 (native title party)
	-and-
	The State of Western Australia (Government party)
	-and-
	Bauxite Australia Pty Ltd (grantee party)
	WO07/290
	Maggie John & Others on behalf of the Malarngowem Native Title

Claimants - WC99/44 (native title party)

-and-

The State of Western Australia (Government party)

-and-

Pathfinder Exploration Pty Ltd & Earth Australia Minerals Pty Ltd  
(grantee party)

WO07/453

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458 & WO07/459

Mark Lockyer & Others on behalf of Kurrama Marthudunera -  
WC99/12 (native title party)

-and-

The State of Western Australia (Government party)

-and-

Zanthus Resources Pty Ltd (grantee party)

WO07/785

Wanjina - Wunggurr Aboriginal Corporation on behalf of its  
members - WC99/11 (native title party)

-and-

The State of Western Australia (Government party)

-and-

Bauxite Australia Pty Ltd (grantee party)

WO07/1033

1034

1035 & WO07/1036

Ike Simpson & Others on behalf of the Wajarri Yamatji WC04/10  
(native title party)

-and-

The State of Western Australia (Government party)

-and-

U308 Ltd (grantee party)

WO07/1391

Dorothy Tucker and Thelma Tucker representing the Narnoobinya  
Family Group - WC97/40 (native title party)



			-and- The State of Western Australia (Government party) -and- Global United Minerals Pty Ltd (grantee party)
19/03/2008	WO07/1280	Objection - Dismissed	Wanjina-Wunggurr (Native Title) Aboriginal Corporation on behalf of its Members (WD04/2 (WC99/11)) (native title party) - and - The State of Western Australia (Government party) - and - Quaalup Investments Pty Ltd (grantee party)
19/03/2008	WO07/1280	Objection - Dismissed	Wanjina-Wunggurr (Native Title) Aboriginal Corporation on behalf of its Members (WD04/2 (WC99/11)) (native title party)  - and - The State of Western Australia (Government party) - and - Quaalup Investments Pty Ltd (grantee party)
19/03/2008	WO07/1280	Objection - Dismissed	Wanjina-Wunggurr (Native Title) Aboriginal Corporation on behalf of its Members (WD04/2 (WC99/11)) (native title party) - and - The State of Western Australia (Government party) - and - Quaalup Investments Pty Ltd (grantee party)
25/03/2008	WO07/557 WO07/754	Objection - Dismissed	Leonne Velickovic & Others on behalf of the Widji People - WC98/27 (native title party) -and- The State of Western Australia (Government party) -and- David Donald Boyer (WO07/557) Basil Robert O'Loughlin (WO07/754) (grantee parties)
3/04/2008	WO07/828	Objection - Dismissed	Robert Flanagan on behalf of the Mullewa Wadjari Community - WC96/93 (native title party) -and- The State of Western Australia (Government party) -and- Geotech International Pty Ltd (grantee party)
4/04/2008	WO06/529	Objection - Expedited Procedure Applies	Ned Cheedy and Others on behalf of Yindjibarndi #1 (WC03/3) (native title party) - and - The State of Western Australia (Government party) - and -

			Cazaly Iron Pty Ltd (grantee party)
7/04/2008	QO07/125	Objection - Dismissed	Alfred Nathan Alice James Neville Aplin Henry Marion and Jean Jacks on behalf of the Pitta Pitta People (native title party) - and - The State of Queensland (government party) - and - Krucible Metals Pty Ltd (grantee party)
7/04/2008	WO07/839 WO07/846 WO07/1212	Objection - Dismissed	Leonne Velickovic and Others on behalf of the Widji People - WC98/27 (native title party) -and- The State of Western Australia (Government party) -and- Avoca Resources Ltd (WO07/839 & WO07/1212) Chalice Gold Mines Ltd (WO07/846) (grantee parties)
10/04/2008	WO07/829	Objection - Dismissed	Robert Flanagan on behalf of the Mullewa Wadjari Community (native title party) -and- The State of Western Australia (Government party) -and- Buddadoo Metals Pty Ltd (grantee party)
10/04/2008	WO07/1177 WO07/1178	Objection - Dismissed	Leonne Velickovic & Others on behalf of the Widji People - (WC98/27) (native title party) - and - The State of Western Australia (Government party) - and - Focus Minerals Ltd Matador Mining Pty Ltd (grantee party)
11/04/2008	WO07/1304	Objection - Dismissed	Leonne Velickovic & Others on behalf of the Widji People - (WC98/27) (native title party) -and- The State of Western Australia (Government party) -and- Graeme John Stone (grantee party)
14/04/2008	WO07/839 WO07/846 WO07/1212	Objection - Dismissed	Leonne Velickovic and Others on behalf of the Widji People - WC98/27 (native title party) -and- The State of Western Australia (Government party) -and-

			Avoca Resources Ltd (WO07/839 & WO07/1212) Chalice Gold Mines Ltd (WO07/846) (grantee parties)
14/04/2008	WO07/1307 WO07/1308 WO07/1309	Objection - Dismissed	Leonne Velickovic & Others on behalf of the Widji People - WC98/27 (native title party) -and- The State of Western Australia (Government party) -and- New Hampton Goldfields Ltd (grantee party)
23/04/2008	WO07/755 WO07/756 WO07/757 WO07/758 WO07/759 WO07/760 WO07/1050	Objection - Dismissed	Leonne Velickovic & Others on behalf of the Widji People - WC98/27 (native title party) -and- The State of Western Australia (Government party) -and- Cazaly Resources Ltd Proto Resources and Investments Ltd (grantee party)
28/04/2008	WO07/1361	Objection - Dismissed	Leonne Velickovic & Others on behalf of the Widji People - WC98/27 (native title party) -and- The State of Western Australia (Government party) -and- Donald Alfred Scarlett (grantee party)
28/04/2008	QF08/1	Future Act - NIGF Satisfied - Tribunal has jurisdiction	Clyde Ian Doxford (grantee party) - and - Janice Barnes Jessie Diver Owen McEvoy Deree King Patrick Fisher on behalf of the Wangan and Jagalingou People (native title party) - and - State of Queensland (government party)

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## 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.

Audiovisual items of interest to native title include:

Early film footage made in the 1950s-1960s at Beswick, Yuendumu and Kalumburu by Andrew Abbie.

Videos ranging from 1993-2004 lodged at AIATSIS (viewing copies only) by the National Native Title Tribunal Perth Library. Subjects include:

- Celebrations in Queensland as a Federal Court rules that native title can co-exist with a grazing lease (1998)
- Native Title Claims in Western Australia (1997)
- Quandamooka people sign landmark agreement (1997)
- Re: Contentious native title claims in New South Wales (1997)

Sound recordings made by Teresa Ross Napurrurla from the *Coniston Massacre Warlpiri oral history project* (1999.)

Print materials:

#### Anthropology

Byard, Roger W. 'Traditional punishment and unexpected death in central Australia.' *American journal of forensic medicine and pathology* Vol. 22, no. 1 March 2001 : p. 92-95.

Morphy, Howard 'The practice of an expert: anthropology in Native Title'. *Anthropological Forum* Vol.16, no.2 (July 2006), p.[135]-151.

Reece, Bob 'AP Elkin interviewed about Daisy Bates.' *Australian Aboriginal Studies* no.1 (2007), p.131-137.

Young, Simon *The trouble with tradition : native title and cultural change*. Annandale, N.S.W. : Federation Press, 2008.

#### Archaeology

Brady, Liam 'A different look: comparative rock-art recording from the Torres Strait using computer enhancement techniques.' *Australian Aboriginal Studies* no.1 (2007), p.98-115.

Brockwell, C. J. 'Bone points from the Adelaide River, Northern Territory.' *Australian Aboriginal Studies* no.1 (2007), p.83-97.

Franklin, N. R. (Natalie R.) 'Aboriginal engravings in the southwest of Western Australia: analysis of the Kybra Site'. *Records of the Western Australian Museum* Vol.24, part 1 (2007), p. [65]-79.

Littleton, Judith 'From the perspective of time: hunter-gatherer burials in south-eastern Australia.' *Antiquity* Vol.81, no.314 (Dec. 2007), p.1013-1028.

Hiscock, Peter *Archaeology of ancient Australia*. London : Routledge, c2008.

Kelleher, Matthew H. *Archaeology of sacred space : the spatial nature of religious behaviour in the Blue Mountains National Park Australia*. Thesis (Ph. D.)--Dept. of Archaeology, Faculty of Arts, University of Sydney, 2003.

Sullivan, Marjorie 'Middens and cheniers: implications of Australian research.' *Antiquity* Vol.67, no.257 (Dec. 1993), p. 776-788.

Ulm, Sean. *Coastal themes : an archaeology of the Southern Curtis Coast, Queensland*. Canberra : ANU E Press, 2006.

#### Arts

Grau, Andree 'When the landscape becomes flesh : an investigation into body boundaries with special reference to Tiwi dance and western classical ballet.' *Body & society* Vol. 11 no. 4 Dec 2005 : p. 141-163.

Turpin, Myfany 'Artfully hidden: text and rhythm in a central Australian Aboriginal song series.' *Musicology Australia* Vol. 29 (2007), p. 93-108.

#### Economics

Altman, Jon C. 'Land rights and development reform in remote Australia.' *Journal of Indigenous policy*, Issue 8 (Nov. 2007), following p. 117.

Hill, Rosemary et. al. *A cultural and conservation economy for Northern Australia : a proof-of-concept study*. Canberra : Land & Water Australia, 2008.



*Indigenous Economic Development Scheme : a solution to create employment opportunities within Indigenous communities.* New South Wales : Gunya Australia, 2007.

Sims, Bruce, ed. *Maps to success : successful strategies in indigenous organisations : a handbook.* Canberra : Australian Collaboration : Australian Institute of Aboriginal and Torres Strait Islander Studies, 2007.

Sims, Bruce, ed. *Organising for success : successful strategies in indigenous organisations : policy report.* Canberra : Australian Collaboration : Australian Institute of Aboriginal and Torres Strait Islander Studies, 2007.

### Governance

Jeffries, Sam. 'The Murdi Paaki Regional Assembly: Indigenous governance in action.' *Journal of Indigenous policy*, Issue 9 (Jan. 2008), p. ix-182.

### History - exploration and accounts

Attwood, Bain 'Contesting frontiers: history, memory and narrative in a national museum.' *Recollections* Vol. 1 no. 2 (September 2006), p.103-114.

Jones, Philip G. *Australia's Muslim cameleers : pioneers of the inland, 1860s-1930s.* Kent Town, S. Aust. : Wakefield Press, 2007.

Richards, Jonathan. *The secret war : a true history of Queensland's native police.* St Lucia, Qld. : University of Queensland Press, 2008.

Stewart, Peter. *Demons at dusk : massacre at Myall Creek.* Hartwell, Vic. : Temple House, 2007.

### Indexes, directories and guides

*Heyfield General Cemetery : consolidated index of burials : compiled from the cash book 1875-1908, the register of burials 1908-1987, the headstone inscriptions.* [Heyfield, Vic.] : Heyfield Family History Group, [1999].

### Land acquisition and land management

Bauman, Toni. *Indigenous partnerships in protected area management in Australia : three case studies.* Canberra : Australian Institute of Aboriginal and Torres Strait Islander Studies, 2007.

Humphries, Paul 'Historical Indigenous use of aquatic resources in Australia's Murray-Darling Basin, and its implications for river management.' *Ecological management & restoration* Vol. 8 no. 2 Aug 2007 : p. 106-113.

Indigenous Land Corporation (Australia) *National Indigenous Land Strategy, 2007-2012.* Adelaide : Indigenous Land Corporation, 2007.

La Nauze, Jonathon 'Aboriginal-owned national parks around the corner.' *Chain Reaction*, Issue 101 (Dec. 2007), p. 42-43.

McGuire, Linda 'Looking after the bilby and great desert skink on Martu lands.' *The web : the national newsletter for the Threatened Species Network*, Winter (2006), p. 5.

Nelson, Joyce 'Looking for ninu on Ngaanyatjarra lands.' *The web : the national newsletter for the Threatened Species Network*, Summer ([2006-]2007), p. 7.

Weir, Jessica 'The traditional owner experience along the Murray river.' *Fresh water: new perspectives on water in Australia* edited by Emily Potter et al Melbourne : Melbourne University Press, 2007 p. 44-58.

Weir, Jessica *Murray River Country : an ecological dialogue with traditional owners.* 2007.

### Language and linguistics

Burgman, Albert. *Burduna dictionary 2007* [electronic resource]. [South Hedland, W.A.] : Wangka Maya Aboriginal Language Centre, 2007.

Geytenbeek, Brian. *Nyangumarta dictionary 2008* [electronic resource]. an interactive dictionary designed & produced by Albert Burgman. [South Hedland, W.A. : Wangka Maya, Pilbara Aboriginal Language Centre], 2008.

Westerlund, Torbjörn. *A grammatical sketch of Ngarla : a language of Western Australia*. South Hedland, W.A. : Wangka Maya Pilbara Aboriginal Language Centre, 2007.

#### Legal issues

Behrendt, Jason 'Comment on the National Indigenous Council's Indigenous Land Tenure Principles from a native title perspective.' *Journal of Indigenous policy*, Issue 8 (Nov. 2007) p. 2-10.

Behrendt, Larissa and Nicole Watson 'Shifting ground: why land rights and native title have not delivered social justice.' *Journal of Indigenous policy*, Issue 8 (Nov. 2007) p. 95-102.

Davis, Megan 'Parliamentary inquiries into free trade agreements and Indigenous issues.' *Journal of Indigenous policy*, Issue 7 (Aug. 2007) p. 90-98.

Edwards, Caroline 'Anthropologists, lawyers and Native Title cases in Australia.' *Anthropological Forum* Vol.16, no.2 (July 2006), p.[153]-171

Laing, Norman 'Distinguishing native title and land rights: not an easy path to rights or recognition.' *Journal of Indigenous policy*, Issue 8 (Nov. 2007) p.50-72.

Silverstein, Ben 'The rule of native title: a view of Mabo in the British Empire.' *Griffith Law Review*, Vol. 16 No. 1 (2007), p. [55]-82.

Kelly, Loretta 'Creating conflict: case studies in the tension between native title claims and land rights claims.' *Journal of Indigenous policy*, Issue 8 (Nov. 2007) p.73-93.

Knight, Eric 'The rising tide for native title: a case note on *Jango v Northern Territory of Australia* (the Yulara) case.' *Journal of Indigenous policy*, Issue 8 (Nov. 2007) p. 38-49.

Leeks, Annie 'Realising the right of Indigenous peoples to development through the common law recognition of Aboriginal resource rights.' *Australian Journal of Human Rights*, Vol. 13, no. 1 (Dec. 2007), p. 177-193.

Watson, Nicole 'Howards end: the real agenda behind the proposed review of Indigenous land titles.' *Journal of Indigenous policy*, Issue 8 (Nov. 2007) p. 20-37.

#### Procedures and protocols – Archives and Libraries

Huebner, Sharon 'Koorie culture and technology: a digital archive project for Victorian Koorie communities.' *Archives and Manuscripts* Vol. 35 no. 1 (May 2007), p. [18]-32.

*reCollections : caring for collections across Australia : caring for cultural material*  
Canberra : Heritage Collections Council, c1998.

#### Self determination – Overseas

Anderson, Kirk David 'Influences preceding "Nunatsiavut" self-determination: historical, political and educational influences on the people of Northern Labrador (Canada).' *The Australian Journal of Indigenous Education* (Formerly *The Aboriginal child at school*) Vol. 36, (2007), p. 100-110.

#### Social justice

Aboriginal and Torres Strait Islander Commission. *Recognition, rights and reform : a report to government on native title social justice measures ; overview, proposed principles for indigenous social justice, recommendations*. Woden, A.C.T. : The Commission, c1995.

Davis, Megan 'Arguing over Indigenous rights: Australia and the United Nations.' Altman, Jon and Melinda Hinkson, eds. *Coercive reconciliation: stabilise, normalise, exit Aboriginal Australia*. North Carlton, Vic. : Arena Publications, 2007, p. 97 – 107.

Dillon, M. C. *Beyond humbug : transforming government engagement with indigenous Australia*. West Lakes, S. Aust. : Seaview Press, c2007.

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