

Cases

Australia

***Eringa, Eringa No 2, Wangkangurru/Yarluyandi and Irrwanyere Mt Dare Native Title Claim Groups v The State of South Australia* [\[2008\] FCA 1370](#)**

Determination of native title by consent recognising the rights and interests of the Thalanyji people. See also the [media release](#) for more information.

***Akiba on behalf of the Torres Strait Regional Seas Claim People v State of Queensland (No 4)* [\[2008\] FCA 1446](#)**

Interim determination concerning the Torres Strait Regional Sea Claim. The court ordered that the sea claim be split into two parts, to be called "Sea Claim Part A" and "Sea Claim Part B". Part A will be considered separately and before Part B. This will mean that the rights and interests of the Kaurareg People will be determined at a later date and independently of the rest of the sea claim lodged by the Torres Strait Islanders.

International

***Wii'litswx v. British Columbia (Minister of Forests)*, [2008 BCSC 1139](#)**

Decision concerning the constitutional duty to consult. Extract from the decision:

- The petitioners are the Hereditary Chiefs of the Gitanyow Nation ("Gitanyow"). They bring this petition on behalf of Gitanyow for judicial review of the decision of the respondent Mr. W.I. (Bill) Warner, Regional Director of the respondent Minister of Forests ("MoF"), approving six forest licence ("FL") replacements pursuant to s. 15 of the Forest Act, R.S.B.C. 1996, c. 157, which cover portions of Gitanyow traditional territory. The petitioners allege that, in the course of making that decision, the respondent Crown failed to adequately perform its duty to consult with Gitanyow and accommodate its aboriginal interests, as mandated by the Supreme Court of Canada in *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73, [2004] 3 S.C.R. 511 [Haida], and *Taku River Tlingit First Nation v. British Columbia*, 2004 SCC 74, [2004] 3 S.C.R. 550 [Taku]. They accordingly seek relief in the nature of certiorari, mandamus, and prohibition, as well as related declaratory relief.
- [The Crown acknowledges that it had a constitutional duty to meaningfully consult with Gitanyow in good faith, and to seek to accommodate its asserted aboriginal rights and title, in the course of the decision to replace the FLs. The Crown says that Mr. Warner and the MoF, on its behalf, engaged in a reasonable process of consultation, and provided interim accommodations appropriate to Gitanyow's interests. They argue that the petition should accordingly be dismissed.
- There is no dispute between the parties as to the applicable law, and little disagreement about the facts. The sole issue is the adequacy of the consultation and the accommodations reached in the course of the Crown's decision to replace the FLs.

Events

- [NTRU events calendar](#)

Indigenous Land Use Agreements

- See the [National Native Title Tribunal Website: Browse Registered ILUAs](#).
- Information about specific ILUAs is also available in the [Agreements, Treaties and Negotiated Settlements \(ATNS\) Database](#).
- The [Native Title Research Unit](#) also maintains an [ILUA summary](#) which provides hyperlinks to information on the NNTT and ATNS websites.

Native Title Determinations

- See the [National Native Title Tribunal website: Browse Determinations](#).
- The [Agreements, Treaties and Negotiated Settlements \(ATNS\) Database](#) provides information about native title consent determinations and some litigated determinations.
- The [Native Title Research Unit](#) also maintains a [Determinations Summary](#) which provides hyperlinks to determination information on the Austlii, NNTT and ATNS websites.

Native Title in the News

- [NTRU Native title in the News](#)
- Office of the Registrar of Indigenous Corporations, [Two QLD native title corporations placed under special administration.](#), media release, Canberra, 24 September 2008.

Yesterday the Registrar of Indigenous Corporations, Mr Anthony Beven, announced that two Queensland based Registered Native Title Bodies Corporate (RNTBC) have been placed under special administration—Walmbaar Aboriginal Corporation and Dhubbi Warra Aboriginal Corporation.

Publications

Journal articles

Mansfield, J, 'Rethinking the procedural framework' *Native Title News* (2008) Vol. 8 Iss. 10 pp. 163-166

Hiley, G, 'Is native title as fragile as the public right to fish?' *Native Title News* (2008) Vol. 8 Iss. 10 pp. 166-167

Brennan, S 'Government expropriation for private profit hits Aboriginal land hardest' *Indigenous Law Bulletin* (2008) Vol. 7 Issue 6 pp. 2-3

Davis, M 'Indigenous rights and the constitution: making a case for constitutional reform' *Indigenous Law Bulletin* (2008) Vol. 7 Issue 6 pp. 6-8

Marks, G Ownership, sovereignty and coexistence: introductory remarks to ILA/HREOC seminar "Indigenous Peoples and Sovereignty", 14 November 2004 *Indigenous Law Bulletin* (2008) Vol. 7 Issue 6 pp. 21-23

Papillon, M '[Aboriginal Quality of Life Under a Modern Treaty: Lessons from the Experience of the Cree Nation of Eyou Istchee and the Inuit of Nunavik](#),' *IRPP Choices*, vol 14, no. 9, August 2008.

Conference and seminar papers

Hooke, M '[Opening Address](#)' paper presented at the Annual Sustainable Development Conference, Sky City, Darwin, Northern Territory, 15-19 September 2008.

(Sourced from NNTT Judgements and Information email alert service and the Federal Court's Native Title Bulletin)