

Native Title Newsletter

January/February, No. 1/2008

WHAT'S NEW

Native Title Conference 2008

The annual Native Title Conference will be held at the Perth Convention Centre, 3-5 June 2008.

Registration forms are now online:

<http://ntru.aiatsis.gov.au/conf2008/conference2008a.html>

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Indigenous Communities, Economic Development and Tax Policy Symposium

By Toni Bauman, AIATSIS and Odette Mazel, Agreements, Treaties and Negotiated Settlements Project

Signalling a dynamic new approach to tackling the challenges to economic development for Indigenous communities, the Agreements, Treaties and Negotiated Settlements (ATNS) Project hosted the 'Indigenous Communities, Economic Development and Tax Policy Symposium' at the University of Melbourne on the 26 & 27 February 2008. The Symposium was prompted by a paper presented by Dr Lisa Strelein at the ATNS Symposium in Broome 2007. The Melbourne Symposium was designed to address the critical legal issues pertaining to governance and economic development that arise in the interface between Indigenous organisations and enterprises, governments and corporations. The focus of the Symposium was on the role of taxation, legislative frameworks and other economic arrangements, and how these models might develop to enhance socio-economic outcomes for Indigenous Australians.

The Symposium brought together a unique breadth of participants - experts from the private sector, government, academia and Aboriginal organisations and communities to capture the complexities of the issues and the challenges ahead. These challenges reflect the social reality which sees Indigenous peoples disadvantaged due to a lack of real engagement with the economic prosperity of the Australian economy, especially in areas associated with the mining boom. To address this issue, the deficits in current models for the management and distribution of benefits were identified throughout the Symposium, and alternative arrangements discussed and debated.

Sessions on the first day addressed macro issues associated with Indigenous economic development, Specifically, speakers addressed the impediments and challenges to Aboriginal economic development and identified potential

legal structures, policies, and agreement implementation strategies that may enhance economic benefits. Presentations on the second day addressed specific tax regimes and models and options for Indigenous governance, employment and business opportunity.

Mr Galarrwuy Yunupingu AM began the conference, emphasising the need for sufficient infrastructure in Indigenous communities before economic development could become a reality. He spoke of the need to encourage economic development initiatives with the private enterprise, but not at the expense of Governments providing essential services. Neil Westbury spoke of existing institutional constraints and the government reforms that are necessary to ensure Indigenous participation in the economy, and Paul McCullough from the Department of Treasury explained Treasury's mission to improve the well-being of Australians through their Wellbeing Framework.

To contextualise these issues, Native Title Representative Bodies, traditional owners and those managing trust bodies for the benefit of Aboriginal communities provided first hand experience of the challenges facing communities in the Pilbara, Kimberley, South Australia and Western Cape York. Parry Agius from the Aboriginal Legal Rights Movement discussed the South Australian agreement making model, along with other presentations of successful ventures resulting from agreement outcomes, providing evidence of the possibility for great progress in this area. Sufficient funding for the implementation of agreements was deemed critical in ensuring benefits to community members in all cases.

The management and distribution of gas royalties and the accumulation of those funds in Natural Wealth Accounts in Timor Leste provided an important international comparison, as did the presentation on the renegotiation of the Ok Tedi mine agreement in Papua New Guinea, the latter highlighting the link between good process and sustainability of agreements, and the significance of an independent facilitative process.

Several papers addressed issues around appropriate corporate, trust and organisational design, drawing on notions of hybridity and the intercultural. Indigenous organisations and corporations such as Prescribed Bodies Corporate often have a multiplicity of functions and responsibilities and it is necessary that the governance structure of the entity is designed to match the diversity of these responsibilities and the groups it represents.

In an attempt to move forward and overcome shortfalls within the current tax system and legal environment, specifically with regard to the use of charitable trusts, and to address issues of capacity building, community development and Aboriginal economic development, the Minerals Council of Australia (MCA) presented the 'Aboriginal Community Development Corporation' (ACDC) model drawing on work by Adam Levin. Under this model, the ACDC would be established under the *Income Tax Assessment Act 1997* as a new category with tax exemption of deductible gift recipient status. Debate around this potential model highlighted the lack of appropriate 'corporate' forms to meet the functional needs of Indigenous communities, and provided a valuable starting point for the development of new or innovative governance structures.

Throughout the Symposium, the nature of the interaction between Indigenous Australians, corporations and the tax system was debated. Some argued that Indigenous Australians, like their US and Canadian counterparts, should be given sovereign immunity from tax in order to help overcome Indigenous disadvantage. Others perceived such a view as 'special treatment', which would work against the aim of building economically sound communities, whilst others took the view that special tax considerations were simply 'cost shifting' and that Indigenous people should be prepared to engage with risk and responsibility. These discussions made it plain that there exists a need to shift attitudes, thinking and language away from concepts of charity and welfare and towards concepts of national priority, incentivisation, partnership and engagement with the private sector.

To achieve these ends, agreement was reached to establish a working group with broad ranging representation to continue this work and further discuss issues raised throughout the Symposium. Presentation of these issues will be further facilitated through the annual Native Title Conference in June 2008 in Perth, and the Aboriginal Enterprises in Mining and Exploration Conference associated with the MCA conference to be held in Darwin in September.

The Symposium set the stage for increased discussion, research and development of alternate arrangements for enhancing economic benefits for Indigenous communities and their interactions with government and the private sector, and continues the ongoing work of the ATNS Project, which began in 2002. Funded by an Australia Research Council Linkage Grant, the Project involves a partnership between the University of Melbourne, the

Native Title Research Unit at AIATSIS, the Department of Families, Housing, Community Services and Indigenous Affairs and Rio Tinto Pty Ltd. The Project more broadly, involves a comparative study of the implementation of agreements and treaties with Indigenous and local peoples across selected Australian and international case studies. It aims to investigate the specific factors that promote long-term sustainability of agreement outcomes and the capacity of agreements to endure over time and continue to meet the economic, environmental and social objectives and goals of the parties.

The workshop was supported by AIATSIS, BHP Billiton, Newmont Australia and Santos. For more information on the work of the Agreements, Treaties and Negotiated Settlements Project, please visit www.atns.net.au. The work of AIATSIS on Taxation, Trusts and the Distribution of Benefits can also be viewed online http://ntru.aiatsis.gov.au/major_projects/taxation_trusts.html.

The role of native title in reconciliation

Speech delivered by the Attorney General, the Hon Robert McClelland MP

Just under two weeks ago, in the Australian Parliament, our Prime Minister said 'sorry'. He said 'sorry' for the past mistreatment of Indigenous people – particularly the stolen generation. He apologised for the pain and suffering caused to them, and to their families – and the indignity and degradation inflicted on a proud people and a proud culture. However, he also talked of the importance of moving forwards together, of forging new relationships, new partnerships. I believe native title has a crucial role to play in forging this new relationship. Just as an apology recognises and acknowledges the past hurt caused by the removal of children, through native title we acknowledge Indigenous peoples ongoing relationship with the land. To bury native title in an unnecessary complexity is an affront to that heritage. In short, native title is but one way of recognising Indigenous peoples' connection to land.

Where indigenous people have lost their native title by removal or through the passage of time, we should be able to find a way to recognise their relationship with land. In summary, we need to move away from technical legal

arguments about the existence of native title.

In my short period as Attorney-General I have spent some time trying to get on top of native title. I have not yet succeeded. But I have discovered four things:

- native title is highly technical and complex;
- native title nonetheless has great potential – both symbolic and practical;
- we have a long way to go before we realise the full potential native title can bring.
- nonetheless, there are some excellent examples of how to achieve real outcomes.

The other thing to keep in mind is that native title is important but it is far from a complete answer to addressing the rights of all indigenous Australians. This recognised in the Preamble of the Act, which states in part; “It is also important to recognise that many Aboriginal people and Torres Strait Islanders, because they have been dispossessed of their traditional lands will be unable to assert native title rights and interests....”

In that context it should not be overlooked, for instance, that members of the stolen generation – and their descendants have by third party intervention may have been deprived of their historical connection to their traditional land.

The Rudd Labor Government is also committed to a new partnership with the indigenous community and closing the gap between Indigenous and non- Indigenous Australians. It is committed to halving the gap in literacy, numeracy, housing, infant mortality and employment outcomes and opportunities between Indigenous and non-Indigenous Australians.

Native title can play a role in this new partnership. In short, native title is about more than just delivering symbolic recognition. It can and should have practical benefits as well. A native title system which delivers real outcomes in a timely and efficient way can provide Indigenous people with an important avenue of economic development. This is a key priority of the Rudd Labor Government. We have an obligation to past and future generations not to squander that opportunity.

Nearly 15 years ago the High Court found that Australia’s common law could recognise Indigenous peoples ongoing connection to the land. It recognised what courts in other common law countries had recognised up to 100 years before– that Indigenous people had a form of land ownership prior to white settlement.

The Native Title Act that followed was a cautious step forward. The Act sought a way through the complexities and uncertainties of common law claims. It struck a fine balance between allowing for the recognition of native title and validating other forms of land tenure. The heart of the Act was the principle that the recognition of Indigenous peoples’ ongoing connection with their land should be resolved by negotiation and mediation not litigation.

Regrettably that admirable intention of the Act has not been realised. Anecdotally, it seems all too often negotiations are characterised by the absence – rather than the presence – of “good faith”. All participants from government down can do much better. Much better in resolving native title claims. Much better in creatively and innovatively using negotiations as a vehicle to achieve practical outcomes.

What caused this negative and often obstructive attitude to negotiation? I think in some ways it was a reaction to the Mabo case itself. Some have painted the decision as the zenith of judicial activism. Both the meaning of the Mabo decision and the intent of the Native Title Act soon became casualties of a spiteful culture war. If the scaremongers were to be believed, backyards were at risk and an apartheid system was being created in the Australian outback. As a result, native title was seen as a zero sum game. It became strangled in litigation and arguments over technical provisions of a complex Act. An opportunity for reconciliation has all too often become an instrument of division.

But we must now have the opportunity to grasp the momentum created by the apology. It’s time to develop new attitudes and new ways of thinking and doing things. In this 15th anniversary of the Mabo decision, there has never been a more pressing need for a new way of thinking in relation to native title. More to the point – there has been more opportunity to achieve outstanding outcomes.

But tinkering at the edges is not enough. Real progress will only come through a change of attitude on the part of all native title participants; whether it is the purists intoxicated by their expertise in an horrifically complicated system that – at times – they have aggravated. Whether it is governments that have obstructed the resolution of claims because of a belief that there are matters which can only be resolved by a court. Whether it be some claimant groups who unreasonably refused to accommodate legitimate claims by others. Whether it be some respondents who have all but persuaded themselves of fanciful arguments about potential prejudice.

Native title negotiations can present a real opportunity to facilitate the reconciliation process. Last year's determination at Noonkanbah consent determination in Western Australia was a case in point. In the 1970s that country was the scene of confrontation and protests. But thirty years later, through native title processes, the Aboriginal group, Government and other parties were able to come together and agree to recognise the Yungngora Peoples rights in the land.

Improving the way we consult and the relationships we forge along the way are two of the things that will characterise this Government's approach to Indigenous affairs.

The Way Forward

We now have an incredible amount of knowledge and experience about what native title is, and what it isn't. And about the sadness of people dying before their peoples' claims are determined.

We are all aware how complex native title can be. It has been graphically illustrated by a number of recent cases. In the case of the Rubibi claim, native title was described – with some justification – by the judge as being in a “state of gridlock”. In some cases, courts are being asked to resolve issues to which are not well suited to the winner takes-all judicial processes. It is a tragedy to see people dying before their peoples' claims are resolved however, the knowledge and positive experience that now exists the opportunity to improve outcomes.

To achieve this we must put aside old attitudes. And we must no longer expect our courts to resolve issues which should be dealt with by negotiation rather than litigation.

The Rudd Government is determined to see more, and better, outcomes delivered through native title processes. Our objectives for the native title system are:

- where-ever possible, resolving land use and ownership issues through negotiation, because negotiation produces broader and better outcomes than litigation
- facilitating the negotiation of more, and better Indigenous Land Use Agreements and ensuring that traditional owners and their representatives are adequately resourced for this
- making native title an effective mechanism for providing economic development opportunities for Indigenous people;

- Avoiding unduly narrow and legalistic approaches to native title processes that can result in the further dispossession of Aboriginal and Torres Strait Islander people.

Above all, my objective is to ensure that native title is not seen as an end in itself. I repeat it is not all gloom. There have been some truly inspiring outcomes. And it is a credit to those involved. I am committed to working constructively with my State and Territory counterparts to share ideas and lessons learned. With our collective experience in the native title system, we need to identify the policies and practices that work best, and learn from each others' mistakes.

To this end I am pleased to announce that in July 2008 I will be participating in a Native Title Ministers' Meeting that will for the first time bring together Ministers from like-minded governments around the country. Through all Governments working together - through cooperative federalism - to find a new approach to resolving native title issues an enormous amount can be achieved.

On the issue of funding, Native Title Representative Bodies must have the resources they need to properly assist native title parties pursue timely and mutually beneficial native title outcomes. Prescribed Bodies Corporate will also play an increasingly important role as greater numbers of claims are determined.

To make sure we are funding the system adequately into the future, my Department is currently coordinating a comprehensive review of Commonwealth native title funding to be completed by July 2008.

There is room for all parties to take a step back, and adopt a more flexible and willing approach to negotiations. For example, the current approach in many native title claims is to start by considering connection. However, problems arise because there aren't enough experts, and there is no straightforward way to make them more readily available. Where experts can be secured, reports are slow and costly. Claims can become mired in competing arguments about connection to quite specific areas.

Effectively, we are trying to take an historic and geographic aerial snapshot in circumstances where there was no registrar of titles and certainly no GPS to determine boundaries.

We should consider finding a different starting point. Purists may be horrified at that suggestion; but I believe there can be benefits all round. For instance the new

starting point could involve taking an interest-based approach to claims. It may involve starting with a consideration of tenure. It may be having a connection process run in parallel with discussions about a range of outcomes, native title and non native title.

By sitting down at the start and discussing what interests they have and what outcomes they are seeking, parties may be more readily able to identify opportunities for the timely and satisfactory resolution of the claim.

This may be through a determination of native title, or it may be through non-native title outcomes. It may be a combination of the two. If native title pure and simple is the desired outcome, then connection evidence will still be required to determine the claim. However, should connection not be made out, the parties can consider whether there are alternative agreements that can still be reached.

Similarly, early consideration of tenure may more readily identify where native title may continue to exist, and where it may have been extinguished. It may assist in resolving overlaps, and identifying where connection evidence will be required. Knowledge of the tenure in a claim may provide all parties with the opportunity to consider what kind of outcome is possible.

Importantly, being unable to meet the required standard for a determination of native title at a particular point in history does not mean those Indigenous people do not have strong relationships with the land and with each other. But it does mean that claimants need to consider what other results they may be willing and able to achieve from a claim. And Governments need to consider how they might meet those aspirations. For example, I am keen to work with Minister Macklin to explore how land ownership and management opportunities through the Indigenous Land Corporation can be more readily accessed as part of a negotiated outcome.

It may be possible to sit down and negotiate where Government can assist in developing comprehensive business plan.

Much can be achieved if parties are up front about what they really want and open-minded about finding creative solutions. One successful example is the agreement negotiated in the Wotjobaluk case, between the native title claimants, the Victorian Government and a number of other respondent parties, including the Australian Government.

While the determination recognised native title rights over less than three percent of the original claim area in Western Victoria, the broader settlement package delivered a range of outcomes.

These included:

- recognising ties to traditional country,
- establishing a consultation process with traditional owners,
- cooperative land management arrangements and
- freehold title to parcels of land of cultural significance.

In taking this approach Victoria has recognised the broad opportunities native title processes can present, and that the experience people take from the process can make or break future relationships.

Native title - as a property right under Australian law - presents a real opportunity to Indigenous people to negotiate positive economic outcomes. The Ord River Agreement in WA is an example where native title negotiations have resulted in millions of dollars being targeted at developing the capacity of local communities to engage in the local economy and benefit from future development.

In the Northern Territory, the Larrakia people have used native title processes to successfully negotiate a number of agreements with the Northern Territory Government. From seed funding of \$10,000, the Larrakia Development Corporation has developed 57 residential lots without any recourse to government assistance. After private investment of \$6.4 million in the project, the Corporation is debt free and has returned \$250,000 in grants to the Larrakia people from its operations. And one of the Corporations businesses, Larrakia Homes, has recently won a number of Housing Industry Awards.

These are just some of the examples of the benefits that can be achieved if all parties take a flexible, creative approach and seek to resolve a range of issues within the context of native title negotiations. I would like to see more outcomes like these being achieved where native title rights are a basis for building sustainable long-term outcomes for communities. As I say, native title should not be seen as an end in itself.

Our collective experiences in negotiating native title matters should equip us all to take advantage of opportunities to secure broader and better land outcomes.

To ensure the Australian Government engages with other stakeholders in a constructive and transparent way, I will be consulting with my ministerial colleagues about principles the Government will follow when undertaking future act negotiations.

Conclusion

As in all areas of the law, there are, and will continue to be, outstanding questions in native title. However, fifteen years of experience with the native title system should enable parties to accept that that an outcome does not have to be legally perfect to work in a practical sense. In particular, it is clear that in this area, there will sometimes not be clear cut legal answers or the court's decision will not be entirely predictable. So unless participants want to risk an all or nothing legal throw of the dice, there must be a will on both sides to devise workable solutions.

Through parties focusing on their interests in claims, and how these might be met in practice, it should be possible for parties to negotiate more timely and satisfactory outcomes.

Native title is uniquely placed - to acknowledge traditional laws and customs, and the relationship between Indigenous people and the country they have lived on for thousands of years; and to provide opportunities to the present day native title holders and their communities.

More than fifteen years on from Mabo, the native title system presents all parties with an opportunity to generate real and lasting outcomes. I would encourage all participants in the system to grasp those opportunities and ensure native title processes deliver real benefits for more Indigenous Australians. If properly done right native title can help develop positive and enduring relationships between Indigenous and non-Indigenous Australians. There is no point for it to be a point of division.

Native title negotiations get people talking - people who might otherwise have had no reason to sit around a table together. They can be a vehicle for reconciliation and ongoing positive relationships.

Strong relationships are the cornerstone to long lasting and effectively implemented agreements - and to wider partnerships as we build a modern nation better equipped to meet the challenges of the future - for all Australians.

This speech was delivered at the Negotiating Native Title Forum Lawson Ballroom, Level 2, The Novotel Brisbane

200 Creek St, Brisbane, 29 February 2008. The speech is available online:

http://www.attorneygeneral.gov.au/www/ministers/RobertMc.nsf/Page/Speeches_2008_29February2008-NegotiatingNativeTitleForum

What's New

Reforms and Reviews

[Dept of Industry, Tourism and Resources. Leading Practice Sustainable Development Program for the Mining Industry: Working With Indigenous Communities](#)

This handbook acknowledges the traditional and historical connection that Aboriginal people have to the land, and the effects of colonisation and development, including mining. It also addresses cross cultural issues and how mine operations impact on neighbouring Indigenous communities. Issues to do with the recognition of land rights and native title are discussed as well as how relationships are developed and fostered between mining companies and Indigenous communities through agreement making. Recognition of differences in culture, language, law and custom are an important part of these processes, and some principles of community engagement are discussed.

Recent Cases

Australia

Doyle & Ors on behalf of the Kalkadoon People #4 v State of Queensland [2007] FCA 1941

Directions hearing concerning the Kalkadoon People #4 claim. Prior to the lodgement of the claim there were a number of claims in existence that were withdrawn. The applicant (Mr Taylor) was a member of an applicant group in the withdrawn claims but was no longer a part of the Kalkadoon #4 claim. He filed a notice of motion seeking to be joined as a party to the proceedings and for an order that the proceedings be struck out for failing to comply with the authorisation requirements of the *Native Title Act 1993* (Cth). However Justice Dowsett found that the claim was properly authorised. His Honour noted that it was

clear that he was still a member of the claim group and it was open to him to convene a meeting and propose a solution.

Ngadjon-Jii People v State of Queensland [\[2007\] FCA 1937](#)

Native title consent determination.

Murgha v State of Queensland [\[2008\] FCA 33](#)

This decision considers the validity of land granted under a deed of grant of land in trust (DOGIT). It focuses on the irregularities in the application and the effect of these irregularities in the exercise of statutory power.

Wilfred Hicks and Others on behalf of Wong-goo-tt-oo/Mark Lockyer and Others on behalf of Kuruma Marthudunera/Western Australia/Mineralogy Pty Ltd [\[2008\] NNTTA 3](#)

This decision of the NNTT considered the proposed granting of exploration licenses attracting the expedited procedure and the subsequent application of native title parties objecting to the grant of the licenses. In reaching its decision the Tribunal considered whether the acts were likely to interfere directly with the carrying on of community or social activities; interfere with sites of particular significance; cause major disturbance to land or waters and whether the grantee party failed to consult the community adequately.

Naghir People #1 v State of Queensland [\[2008\] FCA 192](#)

Justice Greenwood considered a work plan for the Naghir People's Claim. He noted that the claim had been in mediation for the last 12 years, something that he considered to be unacceptable. Justice Greenwood ordered that the applicants file a Notice of Facts and Contentions detailing the following:

1. Description of the persons on behalf of whom the native title determination application is made (including the composition of the group, subgroups and criteria for membership)
2. Description of the society that subsisted at the time of sovereignty or annexation pursuant to whose laws and customs that native title rights and interests were held on the relevant land. This

should also include a description of the 'current society'.

3. The connection or relationship between the original society and the current society from sovereignty to the present. Genealogical information should be included if possible.
4. The nature of or a list of rights and interests which are now claimed and the content as to where those rights existed and whether they confer occupation, use and enjoyment of the relevant area.
5. List of rights and interests that were held by the original society and the content of those rights and list of rights and interests of the current society.
6. Description of the traditional laws and customs under which each of the rights and interests are said to derive in relation to both the original society and the progressively through to the contemporary society.
7. Outline of the facts that are relied upon by the applicant group to prove historical connection with the claim area.
8. Outline of the facts relied upon by the applicant to prove contemporary connection with the claim area including details of the current use.

Justice Greenwood also noted that he wanted the parties to be guided and informed by the schedule of proposed orders which have been circulate to parties which were the subject of the orders of French J in *Leo Akiba, Joseph Tabitii, George Meye and Napoleon Warria on behalf of the Torres Strait Regional Seas Claim v State of Queensland* (QUD6040/2001).

Professional Development

The Melbourne Law School Masters program is offering the subject Native Title Law and Practice in April/May 2008. The subject is taught intensively over a week commencing Monday 28 April.

Teachers in the subject include Graeme Neate, Angus Frith, Dr John Morton, Maureen Tehan and Pat Lane as well as practising barristers and Federal Court staff.

The subject focuses on current issues in native title and will include the following: the 2007 amendments to the Native Title Act, claims process, evidentiary issues including expert reports, State Governments' connection requirements, negotiated, mediated and litigated native title and non-native title outcomes, future acts, the right to negotiate, heritage, ILUAs and agreement making, and PBCs .

The subject can be taken by both lawyers and non-lawyers and may be taken as a single subject with or without assessment or as part of a Graduate Diploma in Energy and Resources Law ; Master of Commercial Law ; Master of Laws by Coursework (LLM) .

More information is available from the Melbourne Law Masters office at <http://www.masters.law.unimelb.edu.au/go/about-us/melbourne-law-masters> ; telephone 03 8344 6190 or from Maureen Tehan m.tehan@unimelb.edu.au

Native title in the News

National

01-Jan-08 NATIONAL **Debate Relying on Sound Advice** The Charles Darwin University, CSIRO, Griffith University, Land and Water Australia the North Australia Indigenous land and Sea Management Alliance and the University of Western Australia have come together under a \$30 million dollar research initiative known as TRaCk. The program aims to explore traditional knowledge and custom in managing the natural fresh water resources in Northern Australia. *Irrigation and Water Resources* (National, 1 January 2008), 15.

08-Feb-08 NATIONAL **Internet saves court time and money** The Federal Court will extend an electronic trial system that allows the court to conduct live hearings over the internet. Judges sitting in remote areas, such as in native title cases, will also benefit from the system. *Australian* (8 February 2008), 39.

20-Feb-08 NATIONAL **Macklin signals review of leases** The new Labor Government will 'review the effectiveness of the controversial 99 year leases over communal Aboriginal land'. This announcement follows confirmation

from the Opposition that any laws to reverse the leases will be blocked by the Coalition. Indigenous Affairs Minister Jenny Macklin said that 'the Australian Government will work with state and territory governments and in close partnership with traditional owners and their representatives to streamline leasing options'. As a part of the changes the Land Rights Act will be 'changed to allow shorter leases on Aboriginal land'. *Australian* (National, 20 February 2008), 6; 'Let us own homes: Mundine' *Australian* (National, 21 February 2008), 1; 'Some 'not ready' for Aussie dream' *Australian* (National, 21 February 2008), 1; 'Macklin Guarantees 99-year leases' *Australian* (National, 22 February 2008), 6; 'All Australians have right to own a home: paternalism blocks black Australian dream' *Weekend Australian* (National, 23 February 2008), 18; 'Macklin to free up land rights' *Australian* (National, 28 February 2008), 4; 'Demand for change to Land Rights Act' *Australian* (National, 29 February 2008), 4.

New South Wales

29-Jan-08 NSW **Darug left out of the picture** The Darug people have been offended by the 'Penrith council's refusal to help negotiate a long-running native title claim'. A native title application was original lodged over the Lower Portland area which was rejected by the Federal Court. Another claim was lodged in 1997 over the Sydney Metropolitan area and is currently in mediation. An indigenous land use agreement has been proposed between the Darug people and the State Lands Department. The Penrith council has opted against becoming a party to the agreement. *Penrith Press* (Sydney, 29 January 2008), 7.

09-Feb-08 NSW **Chinderah marina dead in the water** A native title case in the Federal Court has ended with parties withdrawing their applications for a declaration that no native title exists over the Tweed River bed. Plans to build a marina in the area have been halted until another case successfully extinguishes native title in the area. *Daily News* (Tweed Heads, 9 February 2008), 5; 'Marina plans still on hold' *Border Tweed Mail* (New South Wales, 14 February 2008), 26; 'Marina plans scuttled' *Tweed Sun* (Tweed Heads, 14 February 2008), 6.

Northern Territory

02-Jan-08 NT **Call for a fair go** Former Northern Land Council Chairman Galarrwuy Yunupingu said that 'indigenous people didn't just fight for land rights in the

1970s - they also expected equal access to education, housing and health care'. *Northern Territory News* (2 January, 2008), 15; 'Now's our chance, urges Yunupingu' *Australian* (National, 1 January 2008), 8.

18-Jan-08 NT Restrictions on access to Aboriginal land for fast track Permits restricting public access to Aboriginal land in the Northern Territory will be reintroduced.

Journalists and contractors will be made exempt. The permit system is favoured by the present Federal Government, the Northern Territory Government and Police Force, most Indigenous leaders, the Arts and Media Alliance and independent experts. *Australian* (National, 18 January, 2008), 1; 'Bury the permit system, says Mundine' *Weekend Australian* (National, 26 January 2008), 1; 'Permit system protects land rights' *Byron Shire Echo* (Byron Bay, 22 January 2008), 10; 'A permit to their own land' *Northern Rivers Echo* (Lismore, 24 January 2008), 11; 'Permit system protects residents' *Australian* (National, 23 January 2008), 14; 'Press welcomed in permit system' *Centralian Advocate* (Alice Springs, 22 January 2008), 2.

02-Feb-08 NT I personally see a hope Wali

Wunungmurra, Chairman of the Northern Land Council has reflected on the recent changes affecting the organisation noting that there was a need to involve more 'outside people' and getting feedback from the community. This follows the tensions of created between the NLC and traditional owners over the Muckaty Nuclear waste despot proposal and the negative relationships between the former Chief Minister Claire Martin and NLC Chairman Norman Fry. *Northern Territory News* (Darwin, 2 February 2008), 220.

02-Feb-08 NT Land rights champion dies, 87 Northern Territory Indigenous land rights campaigner Gerry Blitner has died. The former chairman of the Northern Land Council passed away on Sunday. *Weekend Australian* (Australia, 2 February 2008), 6.

10-Feb-08 NT Anglers to discuss fishing The Amateur Fishermen's Association (AFANT) will hold its annual meeting. New Northern Land Council Chief Executive John Christopherson is expected to attend and discuss 'the Federal Court's Blue Mud Bay decision'. *Sunday Territorian* (Darwin, 10 February 2008), 5.

15-Feb-08 NT High Court puts challenge on hold A High Court case challenging the intervention in the Northern Territory has been placed on hold by Justice Hayne and will now be heard in April or May. The claim was originally brought by Maningrida traditional owner Reggie Wurridjal and the Bawinunga Aboriginal Corporation. However according to Charles Darwin University Associate professor and head of law Matthew Storey,

under the constitution, Aboriginal communities that are part of the Territory may not be entitled to compensation because 'constitutional guarantees can be sidestepped if the Federal Government uses its Territories power to make laws'. *Northern Territory News* (Darwin, 15 February 2008), 9; 'Land grab claims to be tested in court' *Northern Territory News* (Darwin, 19 February 2008), 8.

19-Feb-08 NT Keep applying for permits says CLC boss Permits are no longer required for the common areas of remote Aboriginal communities. However people travelling through Aboriginal land on the main roads are still required to have permits. The Central Land Council has urged people to continue to apply for the permits and respect Indigenous land. *Centralian Advocate* (Alice Springs, 19 February 2008), 5; 'Respect permit system' *Northern Territory News* (Darwin, 20 February 2008), 6; "Permit system on Aboriginal Land in the NT" *Media Release* (Minister for Families, Housing, Community Services and Indigenous Affairs, 17 February, 2008), 11; 'Visitors should still respect permit system in NT, land council says' *National Indigenous Times* (Malua Bay, 21 February 2008), 4.

28-Feb-08 NT Troubles continue for land council The Northern Land Council's chief executive John Christopherson has removed the principle legal officer Ron Levy. However he was reinstated in his position after Mr Levy won a supreme court injunction after successfully arguing that his dismissal was unlawful. *Northern Territory News* (Darwin, 28 February 2008), 9.

Queensland

01-Jan-08 QLD Major Step forward for Chalco The Queensland Government has granted a 'mineral development license over a 40 000 hectare site on the west of the Cape to Chalco' providing the opportunity to start a feasibility study in the area. Chalco and the state government will 'work with the Wik and Wik Way people to preserve their cultural heritage and, at the same time, secure a prosperous future for the local community'. *Queensland Government Mining Journal* (National, January 2008), 16.

01-Jan-08 QLD Attracting new players to north-west Queensland The Queensland Government has repealed four Restricted areas in an attempt to 'provide opportunities for the mining industry to invest in exploration in prospective Greenfield areas'. The Four Restricted areas are over 'non-exclusive possession land and will require a native title process before an Exploration

Permit for Minerals can be granted'. *Queensland Government Mining Journal* (National, January 2008), 23.

01-Jan-08 QLD **Changes to land laws** Fifty year leases will be offered to farmers and graziers who 'conserve high value environmental areas and reach access agreements with local Indigenous people'. *Herbert River Times* (Ingham, 1 January, 2008), 2.

10-Jan-08 QLD **Native Title win crosses border** The Queensland Government has reversed its position 'on a contentions native title claim over Mt Lindesay...and is set to grant the claim to the Githabul people'. This follows the decision of the NSW Government to recognise the native title rights and interests of the Githabul people almost a year ago. *Australian* (National, 10 January, 2008), 5.

12-Jan-08 QLD **Native title could ground coal** Coal seam gas may not be used until the finalisation of native title negotiations over Maryborough Basin. *Fraser Coast Chronicle*, (12 January 2008), 7.

14-Jan-08 QLD **Elders call for consultation** Agnes Water Traditional owners are 'concerned about the environmental and cultural consequences a desalination plant will have' on the area. They said that 'the Miriam Vale Shire Council have pressed on with plans for a plant without proper consultation with the Aboriginal community'. *News Mail* (Bundaberg, 14 January 2008), 3; 'Elders not happy with consultation meeting' *News Mail* (Bundaberg, 16 January 2008), 4.

16-Jan-08 QLD **TSI Summit planned** A push for a summit has started 'to discuss regional governance in the Torres Strait'. The summit emerged as a recommendation from a meeting held on Thursday Island of Torres Strait Prescribed Bodies Corporate. *Koori Mail* (National, 16 January 2008), 17.

21-Jan-08 QLD **Land acquisitions clears path or vital coal rail line** The Queensland Government has acquired the land 'it needs to connect two major coal rail networks in central and northern Queensland'. Transport, Trade, Employment and Industrial Relations Minister John Mickel said that the Government was 'continuously working with Indigenous stakeholders to finalise cultural management plans'. *Gladstone Observer* (Gladstone, 21 January 2008), 6.

30-Jan-08 QLD **Native title deal in the pipeline** The Port Curtis Coral Coast people have 'applied to enter into an Indigenous land Use Agreement with the state government'. Indigenous Bundaberg Residents have been invited to attend a special Indigenous land Use Agreement meeting concerning the Tannum Sands and Boyne Island areas which will be held February 13. *News Mail* (Bundaberg, 30 January 2008), 5; 'Native Title Land Deal

with State' *Gladstone Observer* (Queensland, 31 January 2008), 6; 'Deal detail uncertain' *Morning Bulletin* (Rockhampton, 31 January 2008), 6

31-Jan-08 QLD **Indigenous agreement first for Queensland** An Indigenous Land Use Agreement has been signed between the Jagera, Ugarapul and Yuggera and the Ipswich City Council'. The agreement has been described as a 'practical step towards reconciliation and an agreement that other councils should take up'. *Queensland Times* (Ipswich, 31 January 2008), 5; 'Indigenous land use agreement signed over Ipswich' *Media Release* (National, 30 January 2008), 1.

02-Feb-08 QLD **Gas or hot air** An Indigenous Land Use Agreement has been registered with the National Native Title Tribunal by 13 traditional owner groups and a company called the Cape Yorke Pipeline. The agreement says that 'if the gas project is resurrected...potential operators will only have to negotiate with one group instead of 13 individuals'. *Cairns Post* (Cairns, 2 February 2008), 20; 'Aboriginal Groups Seek Best Gas deal' *Western Cape Bulletin* (Weipa, 13 February 2008), 7; 'PNG Gas Pipeline back on the boards' *Torres News* (13 February 2008), 16.

06-Feb-08 QLD **Deal on land use: negotiations lead to state first** An Indigenous Land Use Agreement has been signed between traditional owners and the Ipswich City Council which will deal with infrastructure development, cultural heritage issues and community relations in Ipswich. *South West News* (Brisbane, 6 February 2008), 5; 'Historic First with Indigenous agreement' *Satellite (Western Edition)* (Brisbane, 6 February 2008), 3; 'Land Use Pact' *Ipswich News* (Queensland, 7 February 2008), 5; 'Ipswich Update' *Gatton Lockyer Brisbane Valley Star* (Gatton, 6 February 2008), 14; 'Council Welcomes Land Use Agreement' *Ipswich Advertiser* (Ipswich, 6 February 2008), 4; 'Ipswich leads way in Land Use Agreement' *Ipswich Advertiser* (Ipswich, 6 February 2008), 6; 'ICC signs historic land use agreement' *City west News* (National, February 2008), 3.

08-Feb-08 QLD **Island's Court bid for Deeds** The Badu Island Council is 'taking supreme court action in a bid to transfer its land and businesses to a public company, ahead of council amalgamations'. The Island Council Chief is taking action to 'have Resources Minister Craig Wallace transfer the deed to a public company'. *Cairns Post* (Cairns, 8 February 2008), 9.

11-Feb-08 QLD **Moratorium on Torres Strait Mining Extended** Australian Foreign Minister Stephen Smith has extended indefinitely a moratorium on mining and drilling in the Torres Strait. The moratorium was established in

1985 with the Torres Strait treaty and prohibits mining and drilling of the seabed or subsoil in the Torres Strait Protected zone. *Dow Jones Newswire* (11 February 2008); 'Extension of Torres Strait mining moratorium' *Torres News* (Thursday Island, 20 February 2008), 5.

13-Feb-08 QLD **Future of the Torres Strait fishing industry at high risk of depletion** Traditional owners in the Torres Strait have warned that over fishing in the Torres Strait can lead to a depletion of stocks. The Kaurareg argue that 'the future of the Tones Strait fishing industry is at high risk of depletion which affects the Traditional Inhabitant Boat fishermen and or their families. *Torres News* (Torres Strait, 13 February 2008), 14.

28-Feb-08 QLD **Battle over as parties sign land agreement** Toowoomba's first Indigenous Land Use Agreement was signed yesterday covering an area 'of the Table Top Bushland Reserve'. The agreement was signed at a Picnic Point ceremony by Toowoomba City Council officials and representatives of the Jagera, Yuggera and Ugarapul people. The agreement will 'benefit the whole community as the Jagera, Yuggera and Ugarapul people work together to manage and protect the reserve'. As a part of the agreement the council 'will consult the traditional owners about the reserve'. *Toowoomba Chronicle* (Toowoomba, 28 February 2008), 9.

South Australia

01-Jan-08 SA **Elders' silent protest at mining agreement** Kokatha Mula traditional owners 'observed the signing between Iluka resources and the Far West Coast Native Title Claimant group in silent protest, symbolising the voices that had not been heard or tabled through the Native Title Agreement process'. Kokatha Mula spokesperson, Sue Coleman said that she left the native title group 'after it became corrupt'. Ms Coleman said that 'the native title process was not effective in protecting Indigenous rights [and was] confusing and swaying traditional owners to sign agreements through financial benefits'. *Port Lincoln Times* (Port Lincoln, 1 January 2008), 6.

05-Feb-08 SA **Land Management: Guide shows way** A guide to 'working with Aboriginal people on natural resource management is the first of its kind in Australia'. The guide was produced in partnership with the Mount Lofty Ranges natural resources management Board and 'provides a foundation for integrated projects'. *Adelaide Advertiser* (Adelaide, 5 February 2008), 24.

31-Jan-08 SA **Infrastructure work underway for expansion** Premier Mike Rann has 'said that work is underway to provide essential infrastructure for the planned Olympic Dam expansion'. The government will also be involved to 'manage processes related to environmental, native title and aboriginal heritage matters'. *Roxby Downs Sun* (Port Augusta, 31 January 2008), 4

Victoria

09-Jan-08 VIC **Native title claim seeks broad rights** The Federal Court has heard submissions of the Gunai/Kurnai people's native title claim. If the claim is successful 'it could potentially turn many of Gippsland;s rivers and lakes into permit only zones for recreational use'. The case was heard over two weeks at Lake Tyers and presided over by Justice North. *East Gippsland News* (East Gippsland, 9 January 2008), 3.

21-Jan-08 VIC **Yorta Yorta welcomes project** A 'use and occupancy mapping pilot project has been developed between the Murray Darling Basin Indigenous Nations and the Murray Darling Basin Commission and the Yorta Yorta Nation'. The Yorta Yorta people will be 'managing the recruitment of people to be involved in the project and view it as a significant step in becoming more involved in environmental management of their country'. *Country News insert*, (Shepparton, 21 January 2008), 11.

29-Jan-08 VIC **Nillumbik Council signs up to indigenous reconciliation charter** The Nillumbik Shire Council has adopted a Reconciliation Charter which was created 'in conjunctim with the Wurundjeri Elders, the traditional owners of the land'. The charter has 'three main objectives, recognising cultural spirit, strengthening communities and encouraging community engagement'. *Heidelberg and Diamond Valley Weekly* (Melbourne, 29 January 2008), 6.

06-Feb-08 VIC **Race claims ready to roll** Indigenous groups are planning to make claims on large areas of Victoria 'in the wake of moves to revert national parks back to Indigenous ownership'. The scheme involves mainly red gum forests but has the potential to include other national parks. The parks will then be leased back to the government 'so that it could continue being used as national parks under boards of management made up predominantly of members of local Aboriginal groups'. *Weekly Times* (Victoria, 6 February 2008), 11; 'Red gum park will prove to be the great divider' *Weekly Times* (Victoria, 13 February 2008), 17.

Western Australia

01-Jan-08 WA Northern Development Taskforce launches in Broome

The Northern Development Taskforce has been established. The Taskforce is a 'cross government initiative led by the Department of Industry and Resources and includes representatives from the Department of Environment and Conservation, Indigenous Affairs, Planning and Infrastructure, Office of Native Title, Kimberley Development Commission, Tourism WA and the Heritage Council.' The purpose of the taskforce is to balance gas development with the attractions of the Kimberley. *Prospect Magazine* (National, 1 January 2008), 6.

02-Jan-08 WA **WA fine welcomed** The Magistrate's Court has fined the Western Australia Airports Corporation for 'damaging a heritage site on airport land'. The decision was welcomed by Indigenous Affairs Minister Michelle Roberts after it was found that the corporation was 'excavating on a significant Aboriginal site without getting permission'. *Eastern Suburbs Reporter* (Perth, 2 January, 2008), 2.

04-Jan-08 WA **Tucker returns as GLSC chairman** Former Chairman Ian Tucker has returned to the GLSC. *Golden Mail* (Kalgoorlie, 4 January 2008), 3.

16-Jan-08 WA **Developments in native title on the agenda** Developments in native title case law and anthropological matters were the topics explored at a recent connection workshop convened by the native title office in Perth. *Koori Mail* (National, 16 January 2008), 36.

23-Jan-08 WA **New company formed** A partnership between 'traditional land owners in the Pilbara and Rio Tinto Iron Ore has resulted in the formation of a new company that will ensure that local interests are best represented'. The company, Marnda Mia Central Negotiating Committee Pty Ltd has opened its offices in Roeburn. *Pilbara News* (Pilbara, 23 January 2008), 15.

31-Jan-08 WA **Rio pushes along with Kintyre sale** Rio Tinto has planned a sale of the Kintyre uranium deposit in Western Australia. The 'Martu were awarded native title in 2002 and they have a commitment from Rio that Kintyre would not be developed without their consent'. *Age* (Melbourne, 21 January 2008), 1; 'Rio tells Kintyre suitors: get bids ready' *West Australian* (Perth, 31 January 2008), 48.

04-Feb-08 WA **Funding boost to native title work** The Department of Families, Housing, Community Services

and Indigenous Affairs has provided \$5.5 Million dollars worth of additional funding to 'fast track native title work in the resource rich Pilbara region of WA'. The additional resources will 'allow claim representatives, Pilbara Native Title Service to progress the Pilbara Connection Project at a much faster rate than previous funding allowed'. *Geraldton Guardian* (4 February 2008), 3; 'Money to speed up Pilbara claims' *Koori Mail* (13 February 2008), 46.

05-Feb-08 WA **Traditional owners must have their say on the future of Kimberley Lands** The Kimberley Land Council (KLC) will begin 'formal consultation with Traditional Owners supported by the Western Australian Government to decide the future of gas development in the Kimberley'. This follows a statement by the WA Government that 'no development will occur without the informed consent of Traditional Owners'. KLC Executive Director Wayne Bergmann said that 'as traditional owners of the land, Traditional Owners will only accept resource development that is environmentally responsible and culturally appropriate'. *Media Release*, (Kimberley Land Council, 5 February 2008).

07-Feb-08 WA **Base metals exploration at Warburton** Native Title access agreements with the Ngaanyatjarra people are in place which will 'enable the commencement of active exploration programs in the 2008 field Season'. This includes the base metals project at Warburton. *Kalgoorlie Miner* (Kalgoorlie, 7 February 2008), 14.

07-Feb-08 WA **Guidelines needed for Pilbara Native Title Claims** The Pastoralists and Graziers' Association 'has welcomed any Federal Government initiative to speed native title process in the Pilbara provided that there are guidelines for an outcome'. The PGA said that the 'government had to also ensure that respondents were given the resources to cope with more legal proceedings'. *Farm Weekly* (Western Australia, 7 February 2008), 19.

20-Feb-08 WA **Yamatji Progress Land Claims** Roy Belloti has been elected chairperson of the Yamatji Land and Sea Council committee and the board of the Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation. The organisation is also currently reviewing its constitution. *Northern Guardian* (Carnarvon, 20 February 2008), 4.

Applications Lodged with the Federal Court

DATE FILED	APPLICATION NAME	APPLICATION TYPE	STATUS	STATE/ TERRITORY	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
8/02/2008	Kunjen People	Claimant application	Active	QLD	QC08/1	QUD33/08
11/02/2008	Anthony & Bernadette Meppem	Non-claimant application	Active	NSW	NN08/1	NSD166/08
18/02/2008	Gubbi Gubbi People #3	Claimant application	Active	QLD	QC08/2	QUD38/08
22/02/2008	Monbeef Pty Ltd	Non-claimant application	Active	NSW	NN08/2	NSD235/08

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/applications/](http://www.nntt.gov.au/applications/) accessed 14 March 2008. For further information about native title applications contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

Registration Test Decisions

DECISION DATE	APPLICATION DATE	APPLICATION NAME	STATE/ TERR.	DECISION	NNTT FILE NO.	FEDERAL COURT FILE NO.
10/01/2008	28/11/2003	Single Noongar Claim (Area 2)	WA	Not Accepted	WC03/7-2	WAD6012/03
16/01/2008	23/11/2007	Nyangumarta People 2	WA	Not Accepted	WC07/2-1	WAD234/07
18/01/2008	30/09/1999	Howard River East TQ	NT	Not Accepted	DC99/9-3	NTD6009/99
18/01/2008	9/07/1998	Daly River	NT	Not Accepted	DC98/12-2	NTD6042/98
23/01/2008	19/08/1997	Dangalaba 10	NT	Not Accepted	DC97/6-2	NTD6026/98
23/01/2008	24/08/1996	Tjupan	WA	Not Accepted	WC95/47-2	WAD6040/98
25/01/2008	28/02/2002	Mooka and Kalara United Families Claim (Mooka #2)	NSW	Not Accepted	NC02/4-3	ACD6001/02
30/01/2008	31/12/1998	Koara People	WA	Not Accepted	WC99/5-3	WAD6008/98
31/01/2008	22/03/2006	Karnapyrri	WA	Not Accepted	WC06/3-2	WAD77/06
4/02/2008	7/06/2002	Mooka & Kalara United Families Claim (Mooka #3)	NSW	Not Accepted	NC02/8-3	NSD6009/02
7/02/2008	19/04/2006	Wildman River / Point Stuart	NT	Not Accepted	DC06/1-2	NTD2/06
12/02/2008	14/03/2002	Angkamuthi People	QLD	Not Accepted	QC02/8-2	QUD6008/02
13/02/2008	27/06/2005	Wondunna Clan, Badtjala People	QLD	Not Accepted	QC05/10-2	QUD169/05
13/02/2008	19/02/2007	Wagyl Kaip - Dillon Bay	WA	Not Accepted	WC07/01-1	WAD33/07
18/02/2008	5/09/2006	Gold Coast Native Title Group	QLD	Not Accepted	QC06/10-10	QUD346/06
28/02/2008	15/03/2002	Thanakwithi People #2	QLD	Not Accepted	QC02/11-2	QUD6011/02

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/cgi-bin/search/search.pl?dec_date=2007&col=registration&sorttype=dec_date&disp=true&list=dec_date](http://www.nntt.gov.au/cgi-bin/search/search.pl?dec_date=2007&col=registration&sorttype=dec_date&disp=true&list=dec_date) accessed 14 March 2008. For further information about Registration Test Decisions contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

Applications Currently in Notification

NOTIFICATION CLOSING DATE	APPLICATION NAME	APPLICATION TYPE	DATE FILED	STATE/ TERRITORY	TRIBUNAL FILE NO.	FEDERAL COURT FILE NO.
18/03/2008	Gordon; Warwick; Maclaren & Angus	Non-claimant application	19/10/2007	NSW	NN07/11	NSD2083/07
1/04/2008	John Christopher Little	Non-claimant application	23/10/2007	NSW	NN07/12	NSD2096/07

11/06/2008	Robin Arnheim	Non-claimant application	14/12/2007	NSW	NN07/13	NSD2443/07
9/07/2008	Darkinjung LALC #6	Non-claimant application	30/07/2007	NSW	NN07/7	NSD1478/07

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/cgi-bin/search/search.pl?col=ntapplications&browse=notifications_current&sorttype=notification_closing_date](http://www.nntt.gov.au/cgi-bin/search/search.pl?col=ntapplications&browse=notifications_current&sorttype=notification_closing_date) accessed 14 March 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.

ILUAs

TRIBUNAL FILE NO.	NAME (NNTT HYPERLINK)	TYPE	STATE/TERR.	REGISTRATION DATE	SUBJECT MATTER
QI2007/025	Iagera Wyaralong Dam	Area agreement	QLD	26/2/2008	Infrastructure
QI2005/004	Ewamian-Etheridge Shire Area ILUA No. 3	Area agreement	QLD	26/2/2008	Government
DI2007/006	Town of Tennant Creek ILUA	Area agreement	NT	25/2/2008	Access
QI2006/047	Tagalaka - Croydon Area ILUA #2	Area agreement	QLD	11/2/2008	Infrastructure

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/ilua/bydate_index.html](http://www.nntt.gov.au/ilua/bydate_index.html) accessed 14 March 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.

Future Act consent determinations

DETERMINATION DATE	NNTT File No.	DECISION	PARTIES
18/02/2008	WO07/1056 WO07/1057	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- Cybora Pty Ltd (grantee party)
18/02/2008	WO07/256	Objection - Expedited Procedure Does Not Apply	Daisy Lungunan John Watson and Others on behalf of the Nyikina and Mangala Native Title Claimants (WC99/25) (native title party) - and - The State of Western Australia (Government party) - and - Redgrove Investments Pty Ltd (grantee party)
11/02/2008	WO06/273; WO06/280	Objection - Dismissed	Western Desert Lands Aboriginal Corporation (native title party) - and - The State of Western Australia (Government party) - and - Kitchener Resources Pty Ltd (grantee party in WO06/273) - and - Scimitar Resources Ltd (grantee party in WO06/280)

8/02/2008	QO07/126 QO07/128 & QO08/3	Objection - Dismissed	QO07/126 Alfred Nathan Alice James Neville Aplin Henry Marion and Jean Jacks on behalf of the Pitta Pitta People QC99/27 (native title party) -and- The State of Queensland (Government party) -and- Krucible Metals Pty Ltd (grantee party) QO07/128 Dorrie Prowse Hazel Sullivan and Valerie Punch on behalf of the Yulluna People QC99/9 (native title party) -and- The State of Queensland (Government party) -and- Krucible Metals Pty Ltd (grantee party) QO08/3 Bradley Foster Charlie Jack Snr Danny Fowler & Ors on behalf of the Waanyi People QC99/23 (native title party) -and- The State of Queensland (Government party) -and- Krucible Metals Pty Ltd (grantee party)
8/02/2008	WO07/253 WO07/353 WO07/357 WO07/671 WO07/852 WO07/853 WO07/1049 WO07/1394	Objection - Dismissed	SCHEDULE ATTACHED WO07/253 Dora Sharpe & Others on behalf of Gooniyandi (Combined 2) Native Title Claimants WC00/10 (native title party) -and- The State of Western Australia (Government party) -and- Giralia Resources NL (grantee party) WO07/353 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- Sunloop Pty Ltd(grantee party) WO07/357 Ike Simpson & Others on behalf of the Wajarri Yamatji WC04/10 (native title party) -and- The State of Western Australia (Government party) -and- Kenneth John Thompson(grantee party) WO07/761 Daisy Lungunan & Others on behalf of the Nyikina & Mangala Native Title Claimants WC99/25 (native title party) -and- The State of Western Australia (Government party) -and- Caldera Resources Pty Ltd(grantee party) WO07/852 Albert Little & Others on behalf of Badimia WC96/98 (native title party) -and- The State of Western Australia (Government party) -and-

			TE Johnston & Associates Pty Ltd Corporate & Resource Consultants Pty Ltd(grantee party) WO07/853 Albert Little & Others on behalf of Badimia WC96/98 (native title party) -and- The State of Western Australia (Government party) -and- Bruce Robert Legendre TE Johnston & Associates Pty Ltd Corporate & Resource Consultants Pty Ltd(grantee party) WO07/1049 Leonne Velickovic and Others on behalf of the Widji People WC98/27 (native title party) -and- The State of Western Australia (Government party) -and- Sulphide Resources Pty Ltd(grantee party) WO07/1394 Wilma Freddie and Others on behalf of the Wiluna Native Title Claimants C99/24 (native title party) -and- The State of Western Australia (Government party) -and- Montrose Resources Ltd(grantee party)
6/02/2008	WO07/931 WO07/954 WO07/957 WO07/958 WO07/959 WO07/960 WO07/961 WO07/965	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- Peter Romeo Gianni Kim James Harris (WO07/931) Alessandro Luigi Guj (WO07/954) Western Resources Pty Ltd (WO07/957 - WO07/961) Michael Ashley Giles (WO07/965) (grantee parties)
31/01/2008	WO07/510 WO07/511 WO07/512	Objection - Dismissed	Wintawari Guruma Aboriginal Corporation (native title party) -and- The State of Western Australia (Government party) -and- FMG Pilbara Pty Ltd (grantee party)
29/01/2008	WO07/407	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- Trevor Edward O'Dea and William George O'Donnell (grantee party)
25/01/2008	WO07/202	Objection - Expedited Procedure Applies	Wilfred Hicks and Others on behalf of Wong-goo-tt-oo (WC98/40) (native title party) - and - The State of Western Australia (Government party) - and - Ripplesea Pty Ltd and Precious Metals Engineering (WA) Pty Ltd (grantee party)
25/01/2008	WF08/1	Future Act - Can be done	The State of Western Australia (Applicant/Government party) - and - Derrick Smith and Others on behalf of Gnaala Karla Booja (WC98/58) (Gnaala Karla Booja native title party) - and - Aden Edes and Others on behalf of Southern Noongar (WC96/109) (Southern Noongar native title party)

			- and - Alan Bolton and Others on behalf Wagyl Kaip (WC98/70) (Wagyl Kaip native title party) - and - Red Mountain Energy Pty Ltd Flamestar Corporation Pty Ltd (grantee party)
25/01/2008	WO07/352	Objection - Expedited Procedure Applies	Wilfred Hicks and Others on behalf of Wong-goo-tt-oo (WC98/40) (native title party) - and - The State of Western Australia (Government party) - and - Red River Resources Ltd (grantee party)
21/01/2008	WO07/854	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- Charles David McCormick Kenneth Raymond Maguire (grantee party)
21/01/2008	WO06/447	Objection - Expedited Procedure Applies	Delores Cheinmora & Others on behalf of Balangarra Native Title Claimants (WC99/47) (native title party) - and - The State of Western Australia (Government party) - and - Swanrove Enterprises Pty Ltd (grantee party)
21/01/2008	WO07/855 WO07/856 WO07/857 WO07/858 WO07/859 WO07/908 WO07/909 WO07/910 WO07/911 WO07/912 WO07/913 WO07/914	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- Westex Resources Pty Ltd (grantee party)
18/01/2008	WO07/776	Objection - Dismissed	Wilma Freddie and Others on behalf of the Wiluna People - WC99/24 (native title party) -and- The State of Western Australia (Government party) -and- Robin Christopher Cooper (grantee party)
17/01/2008	WO07/382 WO07/383 and WO07/384	Objection - Expedited Procedure Applies	Mark Lockyer and Others on behalf of Kuruma Marthudunera combined (WC99/12) (native title party) - and - The State of Western Australia (Government party) - and - Mineralogy Pty Ltd (grantee party)
14/01/2008	WO06/732 WO07/204 and WO07/205	Objection - Expedited Procedure Applies	Wilfred Hicks and Others on behalf of Wong-Goo-Tt-Oo (WC98/40) (WO06/732) (Wong-goo-tt-oo native title party) -and- Mark Lockyer and Others on behalf of Kuruma Marthudunera (WC99/12) (WO07/204 and WO07/205) (Kuruma Marthudunera native title party) - and - The State of Western Australia (Government party) - and - Mineralogy Pty Ltd (grantee party)
14/01/2008	WO07/834 WO07/835 WO07/836	Objection - Dismissed	Leonne Velickovic & Others on behalf of the Widji People - WC98/27 (native title party) -and-

	WO07/837 WO07/838 WO07/840		The State of Western Australia (Government party) -and- Trent Paterson Stehn Harry Carmody Anthony Paterson Stehn (WO07/834 - WO07/838) Tarnwood Pty Ltd (WO07/840) (grantee parties)
8/01/2008	WO07/797 and WO07/871	Objection - Dismissed	WO07/797 Maggie John Patrick Mung Chocolate Thomas & Others on behalf of the Malarngowem Native Title Claimants WC99/44 (native title party) -and- State of Western Australia (Government party) -and- Cape Lambert Iron Ore Ltd (grantee party) WO07/871 Robert Flanagan and Ors on behalf of the Mullewa Wadjari Community WC96/93 -and- State of Western Australia (Government party) -and- Helix Resources Ltd (grantee party)
7/01/2008	WO07/728 WO07/729 WO07/762 WO07/763 WO07/764 WO07/765 WO07/766 WO07/767 WO07/768	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- South Kal Mines Pty Ltd (WO07/728 - WO07/729 WO07/764 - WO07/768) New Hampton Goldfields Ltd (WO07/762 - WO07/763) (grantee parties)
7/01/2008	WO07/603 WO07/644 WO07/645 WO07/646 WO07/647 WO07/648 WO07/649 WO07/650 WO07/651 WO07/652 WO07/653 WO07/654 WO07/655 WO07/748 WO07/749 WO07/750 WO07/751 WO07/752 WO07/753	Objection - Dismissed	WQO07/603 Leonne Velickovic & Others on behalf of the Widji People - WC98/27 (native title party) -and- The State of Western Australia (Government party) -and- John Maclean Duncan Mandy Jane Duncan Harold Leslie Dowling (grantee party) WO07/644 645 & WO07/646 Leonne Velickovic & Others on behalf of the Widji People - WC98/27 (native title party) -and- The State of Western Australia (Government party) -and- Jaguar Minerals Ltd (grantee party) WO07/647 648 649 650 651 652 & WO07/653 Leonne Velickovic & Others on behalf of the Widji People - WC98/27 (native title party) -and- The State of Western Australia (Government party) -and- Peter Ronald George Milne Sonja Boggett Frederick Charles Saunders (grantee party) WO07/654 & WO07/655

Leonne Velickovic & Others on behalf of the Widji People – WC98/27 (native title party)
 -and-
 The State of Western Australia (Government party)
 -and-
 Frederick Charles Saunders (grantee party)
 WO07/748
 749
 750
 751
 752 & WO07/753
 Leonne Velickovic & Others on behalf of the Widji People – WC98/27 (native title party)
 -and-
 The State of Western Australia (Government party)
 -and-
 Westex Resources Pty Ltd (grantee party)

This information has been extracted from the [National Native Title Tribunal website: http://www.nntt.gov.au/futureact/Determinations.html](http://www.nntt.gov.au/futureact/Determinations.html) accessed 14 March 2008. For further information about future act determinations contact the National Native Title Tribunal on 1800 640 501 or visit www.nntt.gov.au.

Items in the AIATSIS Catalogue

The following list contains either new or recently amended catalogue records relevant to Native Title issues. Please check MURA, the AIATSIS on-line catalogue, for more information on each entry. You will notice some items do not have a full citation because they are preliminary catalogue records.

The AIATSIS Library has just digitised the *Northern Territory Aboriginals Ordinance (1911), the Aboriginals Ordinance 1918* and the *Welfare Ordinance 1953*. You can also find reports of the Aboriginal Protection Board for NSW and Victoria online. Look under http://www1.aiatsis.gov.au/exhibitions/protectors/protectors_hm.html.

All material is searchable by word or phrase.

Also, the book, *Coercive reconciliation : stabilise, normalise, exit Aboriginal Australia* edited by Jon Altman and Melinda Hinkson (North Carlton, Vic. Arena Publications. 2007) contains much relevant material to native title. Some individual articles from that publication are listed below under topics.

Anthropology

McNally, John A., *Forced changes to the non-hierarchical structure of Aboriginal communities*. Thesis (M.A.)--Deakin University, Faculty of Education. 1997.

Government policy

Australia. Office of Indigenous Policy Coordination
Office of Indigenous Policy Coordination evaluation plan [electronic resource] : for whole-of-Government activities in Indigenous affairs 2006-09. Canberra : Office of Indigenous Policy Coordination, 2006
http://www.oipc.gov.au/documents/OIPC_EvaluationPlan_23May.pdf

Behrendt, Larissa, 'The emergency we had to have.'
 Altman, J. and M. Hinkson, eds. *Coercive reconciliation: stabilise, normalise, exit Aboriginal Australia*. North Carlton, Vic. : Arena Publications, 2007, p. 15-20.

Glasson, William J.H. 'The Northern Territory Emergency Response: a chance to heal Australia's worst sore.' *Medical Journal of Australia* Vol.187, no.11/12 (Dec. 2007), p. 614-616.

Hodgson, Elizabeth, *Looking back, moving forward : stories from the Shellharbour Aboriginal community*. [Wollongong East, N.S.W.] : Shellharbour City Council, c. 2007.

'Indigenous rights: 'emergency response' needs more thought.' *Justice Trends*. No. 126, (Sept. 2005), p. [1].

Looking Back, Moving Forward : The Journey of the Stolen Generations of Victoria. Koorie Heritage Trust Inc. , [2005].

Rowse, Tim, 'The national emergency and Indigenous jurisdictions.' Altman, J. and M. Hinkson, eds. *Coercive reconciliation: stabilise, normalise, exit Aboriginal Australia*. North Carlton, Vic. : Arena Publications, 2007, p. 47-61.

History – exploration and accounts

Balagai, Remi et. Al, *This is your place : Beagle Bay Mission, 1890-1990 : birthplace and cradle of Catholic presence in the Kimberley*. Rossmoyne, W.A. : Pallottine Centre, 2001.

Cameron, Roy, *The Jemmy Creek murder, 1896*. 2007.

Gillespie, Neil and Aboriginal Legal Rights Movement Inc., *Reflections : 40 years on from the 1967 referendum*. Adelaide : Aboriginal Legal Rights Movement Inc., 2007.

Zalewski, Pat, 'Yarrabah: from Dreamtime myths to 1988.' *Journal of the Royal Historical Society of Queensland*. Vol. 20, no. 3 (August 2007), p.85-96.

Indexes, directories and guides

Mackett, Paul, comp, *Queensland Aboriginal genealogical resources [electronic resource]*. Indooroopilly, Qld. : Queensland Family History Society, 2007.

Victoria. Dept. of Human Services, *Victorian Aboriginal signatory bodies and Department of Human Services protocol : a guide to working relationships and how to do business*. Melbourne : Dept of Human Services, 2006.

Land acquisition and land management

Bonney, Neville, *Adnyamathanha and beyond : useful plants of an ancient land*. Unley, S. Aust. : Australian Plants Society, 2006.

Cane, Scott, *Land use and resources in desert homelands*. Darwin : Australian National University, North Australian Research Unit, 1985.

Legal issues

Westra, Laura, *Environmental justice and the rights of indigenous peoples : international and domestic legal perspectives*. London : Earthscan, c2008.

Mediation

Barnes, Bruce E, *Culture, conflict, and mediation in the Asian Pacific*. Lanham, Md. ; Plymouth : University Press of America, c2007.

Self-determination

Bresson, Maria, 'Tjapukai cultural renewal in the Kuranda region of Queensland.' *Oral History Association of Australia Journal* no. 29, (2007), p. 17-21.

Sanders, Will, 'The political economy of self-government.' Altman, Jon and Melinda Hinkson, eds. *Coercive reconciliation: stabilise, normalise, exit Aboriginal Australia*. North Carlton, Vic. Arena Publications, 2007, p. 6

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