

WHAT'S NEW

Publications

The National Native Title Tribunal have released 'Steps to an ILUA'. This publication outlines in plain English the process parties need to go through to get an ILUA negotiated and registered. For more information go to:

<http://www.nntt.gov.au/publications/orderform.html>.

Reports

The National Native Title Tribunal have released their first 'Indigenous Fishing Bulletin' for 2005. It is available for download from their website at:

<http://www.nntt.gov.au/publications/data/files/Indigenous%20fishing%20bulletin%20March%202005.pdf>

If you would like to subscribe or contribute information, please send your details to fishing@nntt.gov.au

HREOC Aboriginal & Torres Strait Islander Social Justice Commissioner Tom Calma has recently released the Native Title Report 2004. The report further develops the principles for economic and social development through native title in the context of current arrangements. An electronic copy of the report can be accessed from:

<http://www.humanrights.gov.au/social%5Fjustice/ntreport04/>

Richard Potok and Melissa Castan from Monash University have finalised a report titled 'A report into the professional development needs of Native Title Representative Body lawyers'. The research focuses on the challenges NTRB lawyers face while representing the interests of native title claimants. For a copy of the report go to:

<http://www.law.monash.edu.au/castancentre/projects/2005-april-report-2-excl-part-f.pdf>.

The Queensland Department of Natural Resources and Mines have generated a discussion paper titled 'Options for future community engagement in regional natural resource management'. The paper has been prepared to provide information, promote discussion and seek views about future community engagement in regional natural resource management in Queensland. The paper may be obtained by following this link:

http://www.regionalnrm.qld.gov.au/options_paper/options_paper.pdf.

Conferences

The International Quality & Productivity Centre (IQPC) is holding its fourth annual conference on 'Collaborative Indigenous Policy Development' at the Royal on the Park in Brisbane from the 8 to 9 June 2005. For further information refer to their website at:

<http://www.iqpc.com.au/cgi-bin/templates/genevent.html?topic=234&event=6846&>.

Websites

During March, Native Title Services Victoria launched their website. <http://www.ntsv.com.au>

The website includes a summary of claims in Victoria and gives access to the NTSV Newsletter.

The Department of the Premier and Cabinet - Office of Native Title (Western Australia) have a new website:

<http://www.nativetitle.dpc.wa.gov.au>

The Office of Native Title is responsible for the implementation of the State Government's native title policy.

Opportunities

The University of Adelaide in organising the Australian Anthropology Society

Annual Conference 2005, from 27-30 September and have called for session proposals. Details about the conference and how to submit a proposal for a session can be found at:

<http://www.arts.adelaide.edu.au/socialsciences/anthro/aasac2005/>

Native Title Services Victoria are seeking expressions of interest from consulting anthropologists to conduct preliminary research for two Victorian native title groups. For more information please contact:

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FEATURE

Gumana v Northern Territory [2005]
FCA 50, Selway J, 7 February 2005
(Update on Blue Mud Bay Case)

By Phillipa Hetherton
Solicitor, Northern Land Council

The area of the Blue Mud Bay claim covers two large shallow bays on the western side of the Gulf of Carpentaria and the adjacent land. The land subject to the claim is part of the Arnhem Land Aboriginal Land Trust, granted in 1978 as freehold title to the traditional Aboriginal owners under the *Aboriginal Land Rights (Northern Territory) Act 1976* (the '*Land Rights Act*'). There are a number of homelands in the claim area and the lives of the traditional Aboriginal owners who live there are inextricably connected to the sea, both as a source of physical sustenance and through stories, songs, painting, designs, beliefs about ancestral beings and cultural practices which are suffused with references to the sea.

Gumana v Northern Territory [2005] FCA 50, the 'Blue Mud Bay' case, was heard by His Honour Justice Selway between August and November 2004. The applicants sought to have recognised their traditional rights and interests in the land and waters in Blue Mud Bay through the *Native Title Act 1994* and the '*Land Rights Act*'.

Two proceedings were heard together;

- an application under the *Judiciary Act* seeking declarations that the grant to the Arnhem Land Aboriginal Land Trust (under the *Land Rights Act*) of a freehold interest extending to the low water mark entitles the applicants to control the access to the whole of the grant, including in relation to persons who are purportedly authorised to enter and fish in the inter-tidal zone pursuant to the *Fisheries Act 1988* (NT) or a licence granted thereunder; and

- an application under the *Native Title Act* for a declaration of native title over lands and waters, including land and waters in the inter-tidal zone and outer waters of the bays.

Evidence for both matters was heard together in Yirrkala and on-country, with final submissions heard in Canberra. Due to concessions by both sides, the recognition of non-exclusive native title rights in the inter-tidal zone and outer waters of the two bays was not in dispute. Among the main matters in issue were:

- the nature and extent of the applicants' rights in the inter-tidal zone (both by reason of the freehold grant to the Land Trust under the *Land Rights Act* and pursuant to the *Native Title Act*);

- whether the *Yarmirr* case precluded recognition of native title rights in the sea to restrict access to