

Land Council	Native Title Services Ltd (Unreported FCA, 6 December 2005, Edmonds J)				
Bardi and Jawi Native Title Determination	Sampi v State of Western Australia	30 November 2005	Western Australia	Native title exists in parts of the determination area	Litigated determination
Worimi Local Aboriginal Land Council #1	Peter Hillig in his capacity as administrator of Worimi Local Aboriginal Land Council v Minister for Lands for the State of New South Wales [2005] FCA 1712	28 November 2005	New South Wales	Native title does not exist	Unopposed determination
Worimi Local Aboriginal Land Council #2	Peter Hillig in his capacity as administrator of Worimi Local Aboriginal Land Council v Minister for Lands for the State of New South Wales [2005] FCA 1713	28 November 2005	New South Wales	Native title does not exist	Unopposed determination

(This information has been extracted from the National Native Title Tribunal website www.nntt.gov.au)

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RECENT ADDITIONS TO THE AIATSIS COLLECTION CATALOGUES

Featured Native Title items in the AIATSIS Catalogue

The following list contains either new or recently amended catalogue records relevant to Native Title issues. Some entries have web addresses and you will be able to access those documents directly. Please check MURA, the AIATSIS on-line catalogue, for more information on each entry.

Featured audiovisual materials:

A video (V7323) of the seminar presented at AIATSIS in 2004 by Professor John Burrows on self-governance explains aspects of the Canadian experience. A video of Mparntwe Sacred Sites, issued by CAAMA in the Nganampa Anwernekenhe series has been listed. AIATSIS holds a number of videos from this series.

An early set of photographs taken by Herbert A. Basedow from 1916-1920's has been put onto CD (BASEDOW.H1.CD).. Portraits of men, women and children in 1956, taken by Jacques

Villeminot, were deposited in 2000 (VILLEMINOT.J1.BW.)


Print and Electronic materials: Agreements

Cooper, David
'Shared Responsibility Agreements: whitewashing Indigenous service delivery.' In *Indigenous Law Bulletin*, Vol. 6, no. 15 (Nov. 2005), p. 6-9.

Lamb, Matthew
[review of]: *Honour among nations: treaties and agreements with Indigenous peoples*. Edited by Marcia Langton, Mureen Tehan, Lisa Palmer and Kathryn Shain, Melbourne University Press, June 2004. In *Ngoonjook: Journal of Australian Indigenous Issues*, No. 26 (Dec. 2004), p. 77-78.

Anthropology

Sutton, Peter



'Social scientists and native title cases in Australia.' In *Public Archaeology* Vol.4, nos. 2&3 (2005), p. [121]-126.

Archaeology

Smith, Claire and H. Martin Wobst, eds.
Indigenous archaeologies : decolonising theory and practice. London ; New York : Routledge, 2005.

Watkins, Joe

'Through wary eyes: Indigenous perspectives on archaeology.' In *Annual Review of Anthropology* Vol.34, (2005), p.429-449.

Economics and policy

Arabena, Kerry

'Torres Strait islanders: overcoming disadvantage and the new arrangements in the administration of Indigenous affairs.' In *Indigenous Law Bulletin*, Vol. 6, no. 15 (Nov. 2005), p. 15-18.

History – exploration and accounts

Connors, Libby

'Indigenous resistance and traditional leadership: understanding and interpreting Dundalli.' In *Journal of the Royal Historical Society of Queensland* Vol. 19, No. 3, (Aug. 2005), p. 701-712.

Cotter, Richard

A Cloud of Hapless Foreboding : Assistant Protector William Thomas and the Port Phillip Aborigines 1839-1840. Sorrento, Vic. : Nepean Historical Society, 2005.

Evans, Julie

Edward Eyre : race and colonial governance. Dunedin, N.Z. : University of Otago Press, c2005.

Hafner, Diane, Museum of Victoria, and Academy of the Social Sciences in Australia
Images of Port Stewart : possible interpretations. Canberra : Academy of the Social Sciences in Australia with support from Museum Victoria, c2005.

Hale, Horatio (1817-1896)

Notes on the natives of Australia and their dialects. (microfilm copy).

Mylrea, P. J.

'Speculations on the Appin Aboriginal massacre of 1816.' In *Grist mills : journal of Campbelltown & Airds Historical Society* ; Vol. 13, no. 3 Dec 2000 : p. 58-67.

Walker, W.D.

Experiences in the Australian interior. : [London] : Royal Photographic Society of Great Britain, 1931.

Zucker, Margaret. And University of Notre Dame Australia.

From patrons to partners and the separated children of the Kimberley : a history of the Catholic Church in the Kimberley, WA. Fremantle, W.A. : University of Notre Dame Australia Press , 2005.

Indexes, directories and guides

Macbeth Genealogical Services and Genealogical Society of the Northern Territory.
Northern Territory Australia deaths 1824 to 2004. pt. 1 [electronic resource- CD ROM]. [Darwin] : Genealogical Society of the Northern Territory Inc, 2005.

Indigenous rights – overseas

Kealohapau'ole Hewett, Kerri-Ann

'The application of native Hawaiian values in Kaho'iwai.' In *Ngoonjook: Journal of Australian Indigenous Issues*, No. 25 (July 2004), p. 44-51.

Intellectual property

Diver, Alice

'A just war: protecting Indigenous cultural property.' In *Indigenous Law Bulletin*. Vol. 6, no. 4 (July 2004), p. 7-10.

Smallacombe, Sonia

'Protecting Indigenous people's knowledge systems.' In *Ngoonjook: Journal of Australian Indigenous Issues*, No. 26 (Dec. 2004), p. 7-14.

Land acquisition and land management

Horsfall, Nicola

'Cultural or natural? : the applicability of World Heritage criteria to Aboriginal cultural values in the wet tropics. In *Tempus* ; Vol. 7 2002 : p. 151-155.

Horstman, Mark and Glen M. Wightman

'Kartpart ecology : recognition of Aboriginal ecological knowledge and its application to management in north-western Australia.' In *Ecological management & restoration* ; Vol. 2 no. 2 Aug 2001 : p. 99-109.

Karam, J.M., Tony Griffiths and Tim Schultz
Mangrove clam harvest in a remote Indigenous community : Indigenous and scientific knowledge in wildlife harvest management. (manuscript) 2003-2005.

Land & Water Australia



'Implementing Indigenous "participatory" land management.' In *Australian land care* ; Mar 2001 : p. 24-25.

'Landmark guidelines for Indigenous involvement in NRM.' In *Ecos. No. 125*, (June - July 2005) : p. 7. See http://www.publish.csiro.au/ecos/index.cfm?sid=10&issue_id=5059.

Land rights – Case studies

'Changes to Land Rights Act.' In *Common Ground: a Northern Territory government news magazine for Indigenous Territorians*, No. 6 (Jan. 2006), p. 3-4.

Everett, Jim
'Cape Barren handback.' In *Chain Reaction*, Issue 94 (July 2005), p. 4-5.

Smith, B. R. (Benjamin Richard)
"All been washed away now" : tradition, change and Indigenous knowledge in Queensland Aboriginal land claim.' In Pottier, Johan, Alan Bicker and Paul Sillitoe, eds. *Negotiating Local Knowledge: Power and Identity in Development*. London: Pluto Press, 2003.

Ritter, David
'Nangkiriny v State of Western Australia [2004] FCA 1156.' In *Indigenous Law Bulletin*. Vol. 6, no. 6 (Oct. 2004), p. 20-21.

Legal issues

Christie, Michael
'Fracturing the skeleton of principle: Australian law, Aboriginal law and digital technology.' In *Ngoonjook: Journal of Australian Indigenous Issues*, No. 26 (Dec. 2004), p. 44-49.

Hall, Andrew and South Australia. Dept. for Family and Community Services.
A brief history of the laws, policies and practices in South Australia which led to the removal of many Aboriginal children : we took the children : a contribution to reconciliation. Adelaide : Dept. for Family and Community Services, 1998.

Kennedy, Joseph
'Operative protection or regulation of destruction? The validity of permits to destroy Indigenous cultural heritage sites.' In *Indigenous Law Bulletin*, Vol. 6, no. 14 (Oct. 2005), p. 20-22.

Morley, Ruth
'The Pitjantjatjara Land Rights Amendment Act: addressing governance on APY Lands.' In

Indigenous Law Bulletin, Vol. 6, no. 15 (Nov. 2005), p. 10-11.

Seiver, Anthony
'Defining the offence of unlawfully destroying Aboriginal heritage.' In *Indigenous Law Bulletin*. Vol. 6, no. 8 (Feb. 2005), p. 4-7.

Williams, Kevin
[review of] '*Australian Native Title Law* by Melissa Perry and Stephen Lloyd, Thomson Law Book Co, 2003.' In *Indigenous Law Bulletin*. Vol. 6, no. 6 (Oct. 2004), p. 22.

Mediation

Malezer, Les
'Indigenous peoples and conflict resolution: an account of the discussions at the 22nd Session of the Working Group on Indigenous Populations'. In *Indigenous Law Bulletin*. Vol. 6, no. 5 (Aug. - Sept. 2004), p. 7-9.

Newman, Samantha
'The Mawul Rom Project: an experience of cross-cultural mediation.' In *Indigenous Law Bulletin*. Vol. 6, no. 6 (Oct. 2004), p. 11-13.

Place names and site reports

Cleary, Denis and Brisbane History Group
'Placenames of the Nundah district.' In *Brisbane: local, oral and placename history*. Woolloowin, Qld. : Brisbane History Group, 1990, p. 64-68.

Dann, Elizabeth and Brisbane History Group.
'Aboriginal place names in Brisbane : misplaced, mispronounced and misunderstood.' In *Brisbane : local, oral and placename history*. Woolloowin, Qld. : Brisbane History Group, 1990, p. 79-83.

Fisher, Rod and Brisbane History Group
'The potential of placename research.' In *Brisbane: local, oral and placename history*. Woolloowin, Qld. : Brisbane History Group, 1990, p. 115-121.

Ryan, J. S. (John Sprott)
Some Aboriginal place names in New England. NOTE: Reprinted from *the Journal and proceedings of the Armidale and District Historical Society*, no. 5 1963.

Procedures and Protocols – Archives and Libraries

Nakata, Martin N. and Marcia Langton, eds.

WHAT'S NEW WITH THE NTRU

Call for papers: PBCs

As more determinations are reached, NTRBS are required to consider more carefully their relationship with native title groups. The need to foster independent Prescribed Bodies Corporate, that enable the effective enjoyment of native title rights and interests, is emerging as a policy priority. Among the issues that require consideration are the relationship between the construction of the native title group in authorisation and certification phases and the sustainability of resulting decision-making structures into the post determination phase. The NTRU is calling for Issues Papers that deal with this topic, particularly papers that address models that have led to successful experiences with PBCs. Please contact Donna Oxenham at donna.oxenham@aiatsis.gov.au or on (02) 6261 4222 for more information.

Staffing

After a happy and productive twelve months with NTRU Diana McCarthy will be leaving to take up the role of Research Coordinator at Native Title Services Victoria.

Lara Wiseman will also be leaving around Easter to begin her new role as Mum. Lara has been an invaluable member of the NTRU team and will be sorely missed.

Tran Tran has begun a three month internship for law students with NTRU and will be taking carriage of the State Connection Requirements research project.

Dr Stuart Bradfield finished up at AIATSIS on Thursday 5 January 2006. Stuart made an excellent contribution to the NTRU and is continuing his work in the area of native title, taking up a position with the Office of Native Title in Western Australia.

Nerida Mulvey joined the NTRU on a six week internship program (9 January -17 February 2006) for law students. Nerida is in her final year of a law degree at LaTrobe University and has over 20 years work experience as a social worker. Nerida assisted Lisa with native title legal research.

Ms Krysti Guest (currently Senior Legal Officer at Kimberley Land Council) has joined the NTRU on sabbatical to work on Agreements from 30 January – 31 March 2006.

Networks and collaboration

Compromised Jurisprudence: Native title cases since Mabo

Lisa Strelein

Publication date: May 2006.

Aboriginal Studies Press, AIATSIS, ISBN 0 85575 533 4 \$39.95, paperback

To be launched at the annual national Native Title conference in Darwin, 24 May 2006.

- Only critical examination of native title law (non-textbook).
- Maps the trajectory of native title law during its formative years
One of the most important legal doctrines in Australia, taught in every Australian law course as a foundational issue.
- Subject of enormous social political and cultural impact.

Native title has dramatically altered the law and public policy in Australia.

It has had a fundamental impact on social relations between Indigenous and non-Indigenous people. The courts have played a central role in its development, and continue to do so. Twelve years have seen the evolution of native title: from uncertain foundations to an arguably compromised, jurisprudence.

Compromised Jurisprudence traces the development of the courts' thinking from the original decision in *Mabo v Queensland [No.2]*, through to the significant High Court decisions in 2001 in *Western Australia v Ward* and *Yorta Yorta*, and the subsequent implementation of those cases by the Federal Court in cases such as *De Rose*. Each chapter contains a discrete analysis of the most significant cases during this period. A timeline of events enables us to map the trajectory of the key doctrines of native title. The book's conclusion identifies the underlying themes and contradictions in the law.

- Glen Kelly attended the Convention on Biological Diversity's Working Group on Article 8j and the Working Group on Access and Benefit Sharing meetings in Grenada, Spain, January 29 – Feb 3, 2006. Glen's travel was sponsored by the