

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



Secretariat of the Convention of Biological Diversity.

- NTRU assisted with the NTRB CEO forum to be held in Melbourne 14-15 February 2006.
- Reception for the hosting of the International Council of Traditional Music (ICTM) at the ANU on 3 Feb. Stephen Wild, the incoming Secretary-General of ICTM, will be working with Grace Koch on the preparation of the ICTM Yearbook during his term in the office.
- NTRU hosted the Murray & Lower Darling Rivers Network Working Group Meeting 7-8 February 2006.
- As part of a team from the Library and NTRU, Grace Koch is working on new arrangements between the AIATSIS Library and the National Native Title Tribunal Library for access and copying documents.

Research Activities

IFAMP

Training Resource Guide

IFaMP's Training Resource Guide - *Finding Training Solutions in Indigenous Decision-Making and Dispute Management: A Resource for Native Title Representative Bodies* – is now complete. Thanks to those staff at Central Land Council who provided comments.

Evaluation Toolkit

A draft *Evaluation Toolkit: Training and Service Delivery in Decision-Making and Dispute Management Processes in Native Title*, which was prepared by Social Compass, is currently under review.

Training

In February and March, Toni Bauman and Rhiân Williams conducted 2 day training workshops in Dispute Management Skills for the staff of Native Title Services Victoria and the Central Land Council.

Ideally this 'trial' dispute management training will form the basis for development of more comprehensive training for Native Title Representative Bodies, Land Councils and Native Title Services.

Draft Policy Guidelines

Toni Bauman and Annalisa Koeman met with Mark Brett, Policy Officer and Annie Keely, Professional Legal Officer, Native Title Services Victoria on the 22 February 2006 to discuss IFaMP's draft *Guidelines for Developing Decision Making & Dispute Management Policies for Native Title Representative Bodies, Native Title Services and Land Councils*.

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ABOUT THE NATIVE TITLE RESEARCH UNIT

AIATSIS acknowledges the funding support of the Office of Indigenous Policy Coordination (OIPC) - Native Title and Land Rights Centre.

For previous editions of this Newsletter, click on the Native Title Research Unit link at www.aiatsis.gov.au or go to <http://ntru.aiatsis.gov.au/publications/newsletters.html>

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