

## NEWS FROM THE NATIVE TITLE RESEARCH UNIT

---

### **The Native Title Conference 2003**

AIATSIS and The Central Land Council are convening the fourth annual Native Title Representative Bodies conference. *The Native Title Conference 2003*, will be held in Alice Springs from the 3-5 June 2003. Following the success of last year's conference in Geraldton, Western Australia, we look forward to further challenging and productive dialogue between native title holders, native title claimants, rep bodies, researchers and other practitioners. A preliminary notice and call for papers can be found at the end of the Newsletter.

---

### **History and Native Title**

*Through the Smoky Mirror: History and Native Title* edited by Mandy Paul and Geoffrey Gray is the latest publication from Aboriginal Studies Press. Initially generated through the 1999 workshop 'The Use of History in Native Title Process', the papers have been updated to include current concerns still being debated and practically engaged. The issues raised in this volume are far from resolved and thus function to stimulate further discussion. Importantly the collection of essays highlight the complexity of demands made on historical records and evidence in judicial determinations of native title. For orders or inquiries contact sales@aiatsis.gov.au. For a full review see Recent Publications in this Newsletter.

---

### **New Issues Papers**

The NTRU has published two new Issues Papers. The November Issues Paper volume 2 number 19, contains two papers discussing the August 2002 Nharnuwangga, Wajarri and Ngarla native title settlement in Western Australia. The first paper 'Winning' Native Title: The Experience of the Nharnuwangga, Wajarri and Ngarla People' by Michelle Riley considers the native title

settlement from Riley's perspective as a native title holder. In particular Riley discusses the changing expectations of the native title holders throughout the process, criticising the obligations under the agreement where native title holders are required to take out public liability insurance as a condition of accessing lands leased by pastoral stations. The second paper, 'Pastoral Access Protocols: The Corrosion of Native Title by Contract' by Frances Flanagan considers the pastoral access protocols of the Nharnuwangga, Wajarri and Ngarla native title settlement, and examines how they develop co-existence into a discrete set of rules.

The December Issues Paper, volume 2 number 20, is 'Negotiating Comprehensive Settlement of Native Title Issues: Building a New Scale of Justice in South Australia' by Parry Agius, Jocelyn Davies, Richie Howitt and Lesley Johns. The paper examines the statewide framework agreement process in South Australia from its inception in 2000. As the framework agreement seeks to address native title claims across South Australia by negotiating agreements rather than litigation, it holds greater opportunities for Indigenous people to rebuild their capacity to be self-determining.

Current and previous Issues Papers from the *Land, Rights, Laws: Issues of Native Title* series are posted on the NTRU webpage. You can also subscribe to the Issues Paper mailing list through the form on our website or by contacting the native title administration officer on 02 6246 1161.

---

### **New Yorta Yorta Web Resource Page**

The NTRU has developed the web resource page, 'Authenticity and Tradition - The Yorta Yorta Case.' This website pulls together the relevant judgments, comments on the High Court decision and media releases. We will be adding to this page in the coming months, and any suggestions to the content

are most welcome. To access the page go to the AIATSIS web page <[www.aiatsis.gov.au](http://www.aiatsis.gov.au)> click on the native title research unit link and click on 'Resources'.

---

### **Forthcoming Yorta Yorta Issues Paper**

February will see the release of an Issues Paper containing an analysis of the recent Yorta Yorta High Court decision by Dr Lisa Strelein, Manager of the NTRU.

---

### **New Seminar Series**

The 2003 Seminar Series will begin in March. 'Intellectual Property and Indigenous Knowledge: Access and Ownership of Indigenous Cultural Material' aims to expand and promote further dialogue about intellectual property with respect to Indigenous cultural material. The key focus will be to the complexity of demands made on access and ownership of Indigenous cultural material, held in both cultural/collecting institutions and Indigenous Knowledge Centres and Cultural Centres. The seminar provides a forum to engage legal frameworks and Indigenous concerns for access; ownership; and the dissemination of Indigenous cultural material including an appreciation of the differing ways in which knowledge becomes property. This seminar series is designed to facilitate cross-cultural dialogue regarding current legal frameworks, pressing practical difficulties and future access of culturally specific material. The Seminar Series Program will be posted on

the AIATSIS website in late February. To join the Seminar Series contact list, contact <[nigel.bennet@aiatsis.gov.au](mailto:nigel.bennet@aiatsis.gov.au)>.

---

### **Publications from 2001 Native Title Conference, 2001**

In response to a number of inquiries, we have compiled a list about the publication of papers from the 2001 *Past and Future of Land Rights and Native Title* Townsville Conference. The list can be found on page 12 of this Newsletter.

---

### **ANU Course on Native Title**

The ANU Law Faculty is offering a week-long intensive course on the *Native Title Act 1993* (Cth) associated judicial decisions and the role of institutions like the National Native Title Tribunal, the Federal Court and Indigenous representative bodies.

The course may be taken on a non-award basis or as part of an ANU Law coursework degree or diploma. It is open to lawyers and non-lawyers.

When: March 10 - 14, 2003, 9 am - 5pm

Where: Faculty of Law, Australian National University, Canberra 0200

Cost: \$978 Tuition Fee (plus General Services Fee - \$195)

Enrolment details: Tanya O'Keeffe (02) 6125 0510, [pgadmin.law@anu.edu.au](mailto:pgadmin.law@anu.edu.au).

Course content inquiries: Jennifer Clarke on (02) 6125 4653, [clarkej@law.anu.edu.au](mailto:clarkej@law.anu.edu.au).

---