

## RECENT PUBLICATIONS

### Books and Reports

***The Aboriginal and Torres Strait Islander Heritage Protection Act 1984.*** Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund, Parliament of the Commonwealth of Australia, April 1998.

**Summary:**

This is the Committee's report on the inquiry into the *Heritage Protection Act*. The committee was able to conduct an extensive inquiry with the benefit of the report prepared by the Hon Elizabeth Evatt in 1996. It was agreed by the committee that there continues to be a need for 'last resort' Commonwealth legislation concerning Indigenous heritage protection. Further, it should be a requirement of the Federal Act that States and Territories provide 'blanket' protection of Indigenous heritage to achieve accreditation under the Act. The Committee also concluded that, in order to establish that a site was significant, disclosure of culturally sensitive information is not necessary. (*Accompanying letter, Warren Entsch MP, Committee Chair, 2 April, 1998*)

***The Aboriginal and Torres Strait Islander Heritage Protection Bill 1998.*** Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund, Parliament of the Commonwealth of Australia, May 1998.

**Summary:**

The Committee received twenty-eight submissions and held two days of public hearings in Melbourne and Canberra. The resulting report recommends that the Bill provide for blanket, or presumptive protection of Indigenous heritage. It recommends a more detailed and comprehensive Commonwealth Standard by which State and Territory heritage protection regimes may be accredited. The committee is also concerned that the definition of 'national interest' should include the protection of Indigenous heritage. This would mean appeal could be made to the Commonwealth even where heritage protection regimes have been accredited in the States and Territories. (*Accompanying letter, Warren Entsch MP, Committee Chair, 1 June, 1998*)

***Analysis of the Howard/Harradine Agreement.*** ATSIC, Australia, 1998. (see page 13 above)

***Customary Marine Tenure in Australia.*** Eds: Nicolas Peterson and Bruce Rigsby, Oceania Publications, Australia, 1998. RRP \$45 (paperback)

***The Great Land Grab: What every Australian should know about Wik, Mabo and the Ten Point Plan*** by Michael Bachelard, Hyland House, 1997.

***The Native Title Amendment Act 1998.*** Commonwealth of Australia.

- The amendment act has now been posted on the Scale WWW site. You can find it in "browsable" format at: <http://law.agps.gov.au/html/comact/10/5874/top.htm>
- To download a copy of the *Native Title Amendment Act 1998* in rtf format go to: <http://law.agps.gov.au/cgi-bin/download.pl?/scale/data/comact/10/5874>
- The National Native Title Tribunal has compiled two new versions of the *Native Title Act 1993* containing changes made by the *Native Title Amendment Act 1998*. One version shows deletions and insertions, the other does not. This can be accessed via the Tribunal homepage at: <http://www.nntt.gov.au>

*Native Title & the Descent of Rights* by Peter Sutton, National Native Title Tribunal, Australia, 1998.

Contains two discussion papers:

1. *Kinship, Descent & Aboriginal Land Tenure*, an analysis of kinship, descent and basic social organisational concepts and theories.
2. *Families of Polity: Post Classical Aboriginal society & Native Title*, explores the social organisation of Aboriginal groups and families, and the cultural practices and social institutions which have arisen since colonisation.

*Native Title, Mining and Mineral Exploration – a postscript* by Ian Manning, ATSIC, Australia, 1998.

**Summary:**

This publication details ATSIC's latest research into the impact of native title on the mining industry. The report finds that negotiated agreements between miners and Indigenous communities are increasing. *Native Title, Mining and Mineral Exploration – a postscript* updates last year's report by Dr Ian Manning from the National Institute of Economic and Industry Research. Dr Manning warns that curtailment of the right to negotiate will place at risk the pioneering relationships between mining companies and Aboriginal communities. (ATSIC Media Release, 11 June, p1)\*

*Ngarrindjeri Wurruwarrin: a world that is, was, and will be* by Diane Bell, Spinifex Press, Melbourne, Australia, 1998.

**Summary:**

*Ngarrindjeri Wurruwarrin* takes up the issues of the Hindmarsh Island case. Written in conjunction with the people of the Murray Mouth/Goolwa area, this book tells the untold story. The book examines the culture, politics and history of the Ngarrindjeri people, as well as the burning issues of the women's business and the Hindmarsh Island case. *Ngarrindjeri Wurruwarrin* will be launched in Adelaide on Wednesday 26 August.

*Understanding the Amended Native Title Act*, National Native Title Tribunal, Australia, August 1998.

*Working Out Agreements – A Practical Guide to Agreements between Local Government and Indigenous Australians*. Produced by the Australian Local Government Association, 1998.

**Summary:**

The ALGA with financial assistance from the Aboriginal and Torres Strait Islander Commission and support from the National Native Title Tribunal has produced a practical resource guide to developing agreements between Local Government and Indigenous Australians titled *Working Out Agreements*. The Guide provides practical advice for developing an agreement at the local level. It discusses how to select the appropriate type of agreement and explains ways to implement and review an agreement to ensure its commitments are fulfilled. Case studies show the range of different agreements already in place and the types of issues that might be included.

## Film

*After Mabo*. By Richard Franklin.

### Summary:

A documentary film focusing on the Mirimbiak Nations Aboriginal Corporation, who are responsible for native title claims in Victoria. The film also follows native title issues since the *Mabo* decision. Filmmaker Richard Franklin presents native title from an Aboriginal perspective.

## Newspapers, Periodicals and Journals

*The Aboriginal Independent Newsletter* is based in Western Australia. The Newsletter will celebrate its first birthday on August 6 in Perth.

*Aboriginal Way* is a publication of the Native Title Unit, Aboriginal Legal Rights Movement in South Australia. Their July issue contains a 4-page insert on the latest native title developments. Website address: <http://www.geocities.com/Athens/Acropolis/7001/alrm.htm>

*Feedback* is a newsletter for the Indigenous Heritage Officers' Network. It is funded by the Australian Heritage Commission. The latest newsletter has a list of useful heritage websites. The Heritage Commission's home page is <http://www.ach.gov.au>

### *Indigenous Law Bulletin*

#### Review:

The *Indigenous Law Bulletin* (ILB) is a monthly journal focusing on Indigenous peoples and the law. The ILB emerges from the Indigenous Law Centre of University of New South Wales and remains the only journal of its kind. With its stable mate, the Australian Indigenous Law Reporter, the ILB fills an important place in legal literature, by exclusively concerning itself with Indigenous legal issues.

The ILB contains reasonably short articles as well as book reviews, case notes and recent happenings. As a refereed journal, the calibre of the articles is always high, particularly as legal practitioners in this field hold the journal in such high esteem. With the quality of the articles the accessibility is also retained, in part due to the length and also the style.

The July issue of the *Indigenous Law Bulletin* focuses on criminal justice. Articles include:

- an analysis of changes to Aboriginal legal services;
- an historical look at Indigenous legal autonomy in Australian law of the nineteenth century;
- an article by Ron Levy on the 'honest claim of right' defence of Galarrwuy Yunupingu in the Northern Territory District Court; and
- an examination of public drunkenness laws.

There is a subscription fee, but at \$40 per annum for individuals and \$45 for organisations, the ILB is reasonably affordable, particularly for a law journal. (*Review by Lisa Strelein*)

*Land Rights News – One Mob, One Voice, One Land* is a newspaper produced by the Central and Northern Land Councils in support of the land rights movement. Website addresses:

- [www.ozemail.com.au/~nlc95](http://www.ozemail.com.au/~nlc95)
- [www.clc.org.au](http://www.clc.org.au)

*Walking Together* is a magazine produced by the Council for Aboriginal Reconciliation, their latest issue (No.22, July 1998) has a section on 'Developing Local Agreements'. Website address: <http://www.austlii.edu.au/car/>

*Yarmbler – Land, Integrity, Culture* is a magazine produced by Mirimbiak Nations Aboriginal Corporation. Volume 5, May 1998, includes articles on the Hindmarsh decision, the native title amendments and Croker Island as well as a section on claims updates. Website address: [www.indigenet.com.au/mirimbiak](http://www.indigenet.com.au/mirimbiak)

### **Native Title Research Unit Publications**

*The following NTRU publications are available from Aboriginal Studies Press, ph.: (02) 6246 1191.*

***Working with the Native Title Act: alternatives to the adversarial method.*** Edited by Lisa Strelein, 1998. (\$9.95 including postage)

#### **Summary/Foreword:**

The workshop for legal practitioners in the native title field held by the NTRU at AIATSIS in June 1997, examined issues for practice in non-adversarial native title processes, such as those set up for the National Native Title Tribunal. Over two days, legal practitioners, anthropologists and others shared their insights and experiences. This volume is an edited collection of the presentations to the workshop as well as a review of the discussions. The workshop was a valuable opportunity to discuss some of the more strategic and practical issues of native title representation. It is hoped that this volume will similarly be a valuable resource for practitioners. There has been a great deal of interest from the participants and others in following up the workshop this year. This interest highlights the need for lawyers working in native title to share their experiences as they confront new and unfamiliar processes and problems.

***Regional Agreements: Key issues in Australia, volume 1.*** Edited by Mary Edmunds, 1998. (\$16.95 including postage)

#### **Summary:**

*Regional Agreements: Key Issues in Australia, Volume 1* is the culmination of a Regional Agreements project undertaken by the Native Title Research Unit of the Australian Institute of Aboriginal and Torres Strait Islander Studies, with supplementary funding from ATSIC and from CRA (now Rio Tinto). Discussion papers, case studies and an overview paper were produced with the benefit of a series of workshops that involved representatives from a wide range of groups involved in native title processes and regional agreements. While there were differences across regions, important commonalities also emerged. Volume 1 of 'Regional Agreements: Key Issues in Australia' contains an abridged overview paper and summaries of each of the case studies and papers prepared in full for Volume 2 (forthcoming).

***A Sea Change in Land Rights Law: The Extension of Native Title to Australia's Offshore Areas*** by Gary D. Meyers, Malcolm O'Dell, Guy Wright and Simone C. Muller, 1996. (\$12.95 including postage)

#### ***Heritage and Native Title: Anthropological and Legal Perspectives***

(Proceedings of a workshop conducted by The Australian Anthropological Society and AIATSIS at the ANU, Canberra, 14-15 February 1996 ~ cost \$20 including postage)

#### ***The Skills of Native Title Practice***

(Proceedings of a workshop conducted by the NTRU, the Native Title Section of ATSIC and the Representative Bodies, 13-15 September 1995 - cost \$15 including postage)

#### ***Anthropology in the Native Title Era***

(Proceedings of a workshop conducted by the Australian Anthropological Society and the Native Title Research Unit, AIATSIS, 14-15 February 1995 - cost \$11.95 including postage)

#### ***Claims to Knowledge, Claims to Country: Native Title, native title claims and the role of the anthropologist***

(Summary of proceedings of a conference session on native title at the annual conference of the Australian Anthropological Society, 28-30 September 1994 - out of print)

### ***Proof and Management of Native Title***

(Summary of proceedings of a workshop conducted by the Native Title Research Unit, AIATSIS, on 31 January-1 February 1994 - cost \$9.95 including postage).

*The following publications are available from the Native Title Research Unit, AIATSIS, Tel (02) 6246 1161, Fax (02) 6249 1046 (issued free of charge):*

#### **Issues Papers published in 1996, 1997 and 1998:**

- No 9: ***The requirements to be met by claimants in applications for a determination of native title***, by George Irving
- No 10: ***Native Title and Intellectual Property***, by David H Bennett
- No. 11: ***Raising Finance on Native Title and other Aboriginal Land***, by Joe Nagy
- No. 12: ***Co-existence of interests in land: a dominant feature of the common law***, by Maureen Tehan
- No. 13: ***Wik- the way forward***, by Rick Farley
- No. 14: ***Lighting the Wik of change***, by Mark Love.
- No. 15: ***Neither Rights nor Workability: The Proposed Amendments of the Right to Negotiate***, by Liz Keith.
- No. 16: ***Racial Non-Discrimination standards and proposed amendments to the Native Title Act***, by Jennifer Clarke.
- No. 17: ***Regional agreements in Australia: an overview paper*** by Patrick Sullivan.
- No. 18: ***The proof of continuity of native title*** by Julie Finlayson and Ann Curthoys.
- No. 19: ***Implications of the Proposed Amendments to the Native Title Act*** by Tamara Kamien
- No. 20: ***Compensation for Native Title: Land Rights Lessons for an Effective and Fair Regime*** by J.C. Altman
- No. 21: ***A New Way of Compensating: Maintenance of Culture through Agreement*** by Michael Levarch and Allison Riding
- No. 22: ***'Beliefs, Feelings and Justice' Delgamuukw v British Columbia: A Judicial Consideration of Indigenous Peoples' Rights in Canada*** by Lisa Strelein
- No. 23: ***'This Earth has an Aboriginal Culture Inside' Recognising the Cultural Value of Country*** by Kado Muir
- No. 24 ***The Origin of the Protection of Aboriginal Rights in South Australian Pastoral Leases*** by Robert Foster

#### **Regional Agreements Papers: Land, Rights, Laws: Issues of Native Title**

- No. 2: ***Local and Regional Agreements*** by Justice Robert French
- No. 3: ***The Other Side of the Table: corporate culture and negotiating with resource companies*** by Richie Howitt
- No. 4: ***The Emperor Has No Clothes: Canadian Comprehensive Claims and their relevance to Australia*** by Michele Ivanitz
- No. 5: ***Process, Politics and Regional Agreements*** by Ciaran O'Faircheallaigh
- No. 6: ***The Yandicoogina Process: a model for negotiating land use agreements*** by Clive Senior

Other Publications include:

***A Practical Guide to Choosing Consultants for Native Title Claims***, by Paul Burke  
***Native Title Newsletter*** (published bi-monthly)

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