

Critically, all negotiating parties must feel confident in the negotiation process and be committed to achieving successful native title outcomes.

If these elements of negotiation are adequately addressed, negotiation can potentially provide the greatest opportunity for sustainable social, cultural and economic benefits for Indigenous stakeholders.

## Book Launch - Murray River Country

NTRU would like to congratulate Research Fellow, Dr Jessica K. Weir on the recent publication of her PhD thesis *Murray River Country: An Ecological dialogue with traditional owners*.

The publication was launched by John Doyle and Yorta Yorta woman Monica Morgan at the Melbourne Writers' Festival on Saturday 29 August.

*Murray River Country* discusses the water crisis from a unique perspective – the intimate stories of love and loss from the perspectives of Aboriginal people who know the inland rivers as their traditional country.

These experiences bring a fresh narrative to contemporary water debates about living in the Murray-Darling Basin, and how we should look to more sustainable ways to live in Australia as our approach to water is changing in the face of water scarcity, drought, climate change, and water mismanagement. This book brings new insights to these issues by focusing our attention on what Indigenous people from along the Murray are experiencing, saying, and doing.

This information was taken from the Aboriginal studies Press website. More information about the book, and purchasing, is available here: <http://www.aiatsis.gov.au/asp/aspbooks/murrayriver.html>



## NTRU Project Reports

### NTRU Publications

[Toni Bauman and Cynthia Ganesharajah, 'Second National Meeting of Registered Native Title Bodies Corporate, Melbourne 2 June 2009', \*Native Title Research Report, 2/2009.\*](#)

This report outlines the discussions, recommendations and commitments of the representatives who attended the second national meeting of registered native title bodies corporate (RNTBC). A key outcome of the meeting was the resolution to establish a national body to represent RNTBCs.

[Dr Kingsley Palmer, 'Societies, Communities and Native Title', \*Land, Rights, Laws: Issues of Native Title, vol.4, no.1, 2009.\*](#)

This paper examines the use and meaning of the terms 'community' and 'society' in native title cases. The author considers this use from an anthropological point of view but situates it within legal contexts relevant to native title law. Further, the author explores whether there is a difficulty for anthropologists in the way these terms may be used in the context of native title processes and if this be the case, how such difficulty may be alleviated or circumvented.

[Simon Young, 'Native Title in Canada and Australia post-Tsilhqot'in: Shared Thinking or Ships in the Night?', \*Land, Rights, Laws: Issues of Native Title, vol.4, no.2, 2009.\*](#)

The Canadian decision of *Tsilhqot'in Nation v British Columbia* (BC Supreme Court, 2007) was a significant step in the resolution of a long-running timber dispute in western Canada, and the most important judicial exploration of Canadian 'Aboriginal title' since the watershed 2002 decision of *Delgamuukw*. This paper examines the *Tsilhqot'in* decision against the backdrop of the Canadian legal history, and attempts to explain its significance from both the Canadian and Australian perspectives.

## NTRU Project Page Updates

The NTRU has updated the Project Webpages for the following Major Projects:

- [Connection](#)
- [Joint Management](#) – information relating to joint management arrangements and native title in the ACT, NSW, SA and WA have been uploaded.

## What's New

### Legislative Reforms and Reviews

**Australian Government, [Discussion Paper on Expediting Indigenous Housing in Remote Communities, Attorney-General's Department, Department of Families, Housing, Community Services and Indigenous Affairs, Australian Government, Canberra, 2009.](#)**

This discussion paper focuses on reform of public housing and infrastructure in remote Indigenous communities and proposes a new specific process to facilitate these developments. The Government is considering amending the *Native Title Act 1993* (Cth) to include a specific future act process to ensure that public housing and infrastructure in remote Indigenous communities can be built expeditiously following consultation with native title parties but without the need for an Indigenous Land Use Agreement (ILUA).

For further information see:

[http://www.fahcsia.gov.au/sa/indigenous/pubs/land/Pages/NativeTitleAmendments\\_DiscussionPaper.aspx](http://www.fahcsia.gov.au/sa/indigenous/pubs/land/Pages/NativeTitleAmendments_DiscussionPaper.aspx)

**Australian Government, [Overcoming Indigenous Disadvantage: Key Indicators 2009](#) Productivity Commission, Australian Government, Canberra, 2009.**

Overcoming Indigenous Disadvantage 2009 (OID) is the fourth report in a series commissioned by heads of Australian governments in 2002, to provide regular reporting against key indicators of Indigenous disadvantage. The long term objective of the report is to inform Australian governments about whether policy programs and interventions are achieving positive outcomes for Indigenous people. This will help guide where further work is needed.

In March this year, the terms of reference were updated in a letter from the Prime Minister. The new terms of reference align the OID framework with COAG's six high level targets for Closing the Gap in Indigenous outcomes. The OID aims to help governments address the disadvantage that limits the opportunities and choices of many Indigenous people. However, it is important to recognise that most Indigenous people live constructive and rewarding lives, contributing to their families and wider communities. That said, across nearly all the indicators in the OID, there are wide gaps in outcomes between Indigenous and non-Indigenous Australians.

**Australian Government, [Reform of Indigenous heritage protection laws : Improving protection for Indigenous traditional areas and objects](#), Department of Environment, Water, Heritage and the Arts, Australian Government, Canberra, 2009.**

This discussion paper canvasses possible reforms to the legislative arrangements for protecting traditional areas and objects, specifically the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth). The aims of the reform are twofold. First, to ensure that Indigenous Australians will have the best opportunities to protect their heritage. This could be done by using existing processes such as native title to secure agreements on heritage protection. Second, to cut duplication and red tape by establishing a nationally consistent approach to protecting Indigenous heritage based on best practice standards.

The deadline for submissions is Friday 6 November 2009. Additional information relevant to the proposals in this paper is available at [www.heritage.gov.au/indigenous/lawreform](http://www.heritage.gov.au/indigenous/lawreform)

**Western Australian Government, [Review of Approvals Processes in Western Australia](#), Industry Working Group, Western Australian Government, Perth, 2009.**

This report suggests a two phased approach to improving approval processes in Western Australia. Phase one recommendations are essentially administrative and can be addressed without legislative change. Phase two recommendations require legislative change. The report stresses that the need to address and change the present flawed and complex approvals system is critical, and the time for implementing phase one recommendations is now.