Patricia Carlisle concludes:

Native title is complex and controversial. Whether from an anthropological, historical-cultural, Indigenous or legal perspective, navigating the path to recognition of Indigenous 'traditional' laws and customs exercised from pre-sovereign to contemporary times as the basis of a Native Title claim is at best arduous and at worse divisive. The concept of traditional is extremely nebulous and the controversial text of s. 223 of the *Native Title Act 1993 (Cth)* remains the focus of much heated debate since the momentous *Mabo* decision in 1992.

While I recognise that my understanding on this topic is limited at this time, I cannot help but question at what point does one draw the distinction between the use of 'traditional' as a legitimate exercise of legal precedent and that as a medium of exploitation, hypocrisy and oppression? As an Aurora intern, these issues were the basis of much reflection and are as potent for me as they are for the more experienced and wise in this field. Perhaps in 21st century Australia, it may be timely for the legal profession to pay heed to former Justice Kirby's poignant remarks:

> *"we the judges, lawyers and law students of contemporary Australia, must always be willing to hear the voice of justice. Form is not sufficient. Our function in the law is the substance of justice according to law."*[1].

The Aurora Project provides anthropology, law and social sciences students and graduates career opportunities in native title, policy, social justice and Indigenous affairs. The program aims to provide assistance to under-resourced and over-worked Native Title Representative Bodies (NTRBs) and Native Title Service Providers (NTSPs) as well as various other organisations working in these areas.

Applications for the Winter 2010 placement are open from Monday 8 March and close 5pm AEDST Thursday 1 April 2010**.** Most internships run for 5 to 6 weeks over the June to August semester break.

For more details, see the Aurora website at http://www.auroraproject.com.au/

[1] M Kirby, 'Black and white lessons for the Australian judiciary', *Adelaide Law Review*, vol. 23, 2002, p. 213

New Database at the University of Dundee – Court Interpretation of Indigenous Agreements

The last two decades has seen a growing preference for negotiated outcomes in the relationship between Indigenous people and resource management. Previous practices, in which governments and developers simply dealt with land and resources while ignoring Indigenous interests in that land, are no longer accepted.

Developers and/or governments are placing a greater emphasis on agreement making with Indigenous peoples in relation to developments which will affect them.

The Centre for Energy, Petroleum and Mineral Law and Policy (CEPMLP) at the University of Dundee in Scotland has released a database of court and tribunal decisions dealing with documents involving Indigenous parties (e.g. treaties, impact & benefit agreements, petitions, land use agreements).

This database focuses on court and tribunal decisions and relevant commentary. It has been compiled from over 200 cases and articles from courts and tribunals in Australia, Canada, New Zealand and the United States of America.

The database aims to help parties involved in developer-Indigenous relations, by identifying relevant decisions and commentary on courts' approaches to Indigenous agreements.

The database is free and fully searchable, and can be accessed via the Centre for Energy, Petroleum and Mineral Law and Policy website.