

Queensland

Aboriginal and Torres Strait Islander Land Holding Bill 2011

This Bill repeals the *Aborigines and Torres Strait Islanders (Land Holding) Act 1985* and introduces a new Act with the required tools to finalise leasing matters outstanding under the repealed Act. The Bill aligns the new Act with the *Aboriginal Land Act 1991* and the *Torres Strait Islander Land Act 1991*, now the principal legislation for leasing on Aboriginal and Torres Strait Islander lands, to the extent possible.

The Bill explicitly protects and continues leases and lease entitlements under the repealed Act and provides a number of mechanisms to facilitate resolution of outstanding issues by agreement. The Bill has been referred to a Parliamentary Committee, the Community Affairs Committee, which is required to investigate the Bill and report back to the Parliament by 19 March 2012.

Further information is available at:

<http://www.legislation.qld.gov.au/Bills/53PDF/2011/ATSILandHoldB11.pdf>

Read more about the Bill in the Explanatory Notes available at:

<http://www.legislation.qld.gov.au/Bills/53PDF/2011/ATSILandHoldB11Exp.pdf>

Grants for Traditional Owners caring for the Great Barrier Reef

Traditional owners are encouraged to apply for Sea Country Grants of \$5,000 to \$50,000 to support their environmental initiatives that will improve the resilience of the Great Barrier Reef. Great Barrier Reef Marine Park Authority Chairman Russell Reichelt said a total of \$500,000 in grants were available through the Great Barrier Reef Marine Park Authority's Sea Country Grants Program. Traditional owner groups from the Great Barrier Reef region will have until **17 February 2012** to apply for the grants.

More information is available at:

<http://www.gbrmpa.gov.au/media-room/latest-news/sea-country-partnerships/2011/grants-for-traditional-owners-caring-for-the-great-barrier-reef>

Queensland Pastoral ILUA Template

The Queensland Department of Environment and Resource Management has released at Pastoral ILUA template.

The template is available here:

<http://www.qsnts.com.au/publications/QueenslandPastoralILUATemplate.pdf>

Pastoral leases cover almost 50 percent of Queensland. This template is the result of collaboration between QSNTS, the Queensland Government, the National Native Title Tribunal and pastoralist groups to facilitate native title agreement-making.

Western Australia

Cultural Heritage Due Diligence Guidelines

The Guidelines were developed to identify reasonable and practical measures for ensuring that activities are managed to avoid or minimise harm to Aboriginal sites protected by the *Aboriginal Heritage Act 1972* (WA). For further information about Aboriginal heritage see the Department of Indigenous Affairs webpage about **Section 18 applications**.

The guidelines are available at:

<http://www.nativetitle.wa.gov.au/MediaPublications/Documents/Cultural%20Heritage%20Due%20Diligence%20Guidelines%20November%202011.pdf>

Native Title Publications

Issue papers

- J Altman, 'Reforming the Native Title Act', CAEPR Topical Issue 10/2011.

In this Topical Issue, Jon Altman seeks to explore the ramifications of the Native Title Act Reform Bill, a private Senator's Bill introduced by Senator Rachel Siewert of the Australian Greens.

The PDF version of this paper is available at:

http://caepr.anu.edu.au/sites/default/files/Publications/topical/TI2011_10_Altman%20NTA.pdf

Journals

- W Asche and D Trigger, 'Native title research in Australian anthropology' special edition, *Anthropological Forum*, 21 3: 219-232, 2011.



Abstract

Anthropology's involvement with Australian Indigenous people seeking to obtain legal rights, particularly in the context of the Native Title Act, has been subject to considerable critique both within and outside of the academy. The collected papers in this volume provide a constructive case for best approaches in this applied anthropological research, given the apparent constraints of the legal environment and the necessity to retain professional anthropological integrity. Issues of cultural change and identification of the relevant traditional 'law and custom' continuing through time are among a range of matters at the intersection of Australian and Aboriginal customary law. This collection assembles papers that demonstrate the relevance and significance of applied research in this area.

To subscribe, please follow the link:
<http://www.tandfonline.com/action/pricing?journalCode=canf>

Reports

- Aboriginal and Torres Strait Islander Social Justice Commissioner, *Native Title Report 2011*, Australian Human Rights Commission, 2011.

Under the *Native Title Act 1993* (Cth), the Social Justice Commissioner is required to prepare a *Native Title Report* each year for federal Parliament. Through these reports the Commissioner gives a human rights perspective on native title issues and advocates for practical co-existence between Indigenous and non-Indigenous groups in using land.

The report is available online at:
http://www.hreoc.gov.au/social_justice/nt_report/ntreport11/index.html

- Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2011*, Australian Human Rights Commission, 2011.

The Aboriginal and Torres Strait Islander Social Justice Commissioner is required to report annually to the Attorney-General regarding the exercise and enjoyment of human rights by Australia's Indigenous peoples.

The report is available online at:
http://www.hreoc.gov.au/social_justice/sj_report/sjreport11/index.html

- The Australian National Audit Office, *Indigenous Protected Areas*, Audit Report No.14 2011–12; Performance Audit, 23 November 2011.

The audit objective was to assess the effectiveness of the Department of Sustainability Environment Water Population and Communities management of the IPA program in relation to the two primary targets of the IPA program under the Caring for our Country initiative (2008–13) which are to:

- expand the contribution of the IPA program to the NRS by between eight and 16 million hectares (an increase of at least 40 per cent), of which 1.8 million hectares are to be in northern and remote Australia; and
- ensure the continued use, support and reinvigoration of traditional ecological knowledge to underpin biodiversity conservation in the Plans of Management of 32 newly initiated projects.

The report is available online at:

<http://www.anao.gov.au/~media/Uploads/Audit%20Reports/2011%2012/201112%20Audit%20Report%20No%2014.pdf>

Annual reports

- South Australia Native Title Services, *Annual Report 2010/2011*.

The Report is available online at:
<http://www.nativetitlesa.org/Uploads/Downloads/annual-report-final.pdf>

- Goldfields Land and Sea Council Aboriginal Corporation, *Annual Report 2010–2011*.

The Report is available online at:
<http://www.glsc.com.au/annual-reports>

- Central Land Council, *Annual Report 2010/2011*.

The Report is available online at:
http://www.clc.org.au/Media/annualrepts/CLC_annual_report_2010_2011.pdf

Guides

- National Native Title Tribunal, *Guide to future act decisions made under the Right to negotiate scheme*, compiled by Deputy President of the National Native Title Tribunal the Hon C J Sumner with the assistance of the Legal Services unit, 2011.

The guide is available online at:

[http://www.nntt.gov.au/Future-Acts/Documents/Procedures and Guidelines -Various/Guide_to_future_act_decisions_made_under_the_right_to_negotiate_scheme_as_at_301111.pdf](http://www.nntt.gov.au/Future-Acts/Documents/Procedures%20and%20Guidelines%20-%20Various/Guide_to_future_act_decisions_made_under_the_right_to_negotiate_scheme_as_at_301111.pdf)



Newsletters

- Native Title Services Victoria, *NTSV Newsletter*, Issue 22, December 2011
- Yamatji Marlpa Aboriginal Corporation, *YMAC News*, Issue 16, December 2011

Native Title in the News

National

18/11/2011

Tribunal to merge

At a confidential meeting between the government and the heads of courts and tribunals, the National Native Title Tribunal was told it would be administered by the Federal Court as part of a costs review. A major change under the plan would be to give the court direct control of disputes over the future use of current or potential native title land, often involving mining companies who seek to expand their operations.

Australian Financial Review (Australia, 18 November 2011), 40

07/12/11

Commonwealth government decision to withhold native title funding

Prime Minister Julia Gillard has told the Western Australian government it intends to withdraw from an understanding between the Commonwealth and state and territory governments that the Commonwealth would meet 75 percent of the costs and compensation involved in native title agreements. The decision to withdraw would affect all state and territory governments in Australia and have a serious impact on how native title claims may be treated in the future.

National Indigenous Times (Malua Bay NSW, 7 December 2011), 3. *Esperance Express* (Esperance WA, 7 December 2011), 1.

Australian Capital Territory

03/11/2011

Ngarigu people

The ACT Civil and Administrative Tribunal said Ngarigu woman Ellen Mundy is seeking recognition by the government of her clan's connection with the land. Ms Mundy is pursuing a discrimination complaint against the Chief Minister and the Minister

for Aboriginal and Torres Strait Islander Affairs. The legal claim on behalf of the Ngarigu people argues that of the Ngarigu people have been left out in the cold by the ACT government when it makes decisions about acknowledging Aboriginal culture and history and in providing services to the territory's Indigenous people.

Canberra Times (Canberra ACT, 3 November 2011), 1.

Northern Territory

02/11/2011

Lease funds

Opposition Indigenous Affairs spokesman, Nigel Scullion told the hearing the Federal Government had paid money to the Northern and Central Land Councils to distribute to traditional owners but the councils were refusing to distribute the money and the parties had been locked in a stalemate since May 2010.

National Indigenous Times (Malua Bay NSW, 2 November 2011), 12.

22/11/2011

Marra people

The Marra people who live near Limmen Bight on the Gulf of Carpentaria and hold native title rights where Western Desert Resources have lodged notice of intent to pipe iron ore slurry from a project, have presented a petition to senior MP's outside the Northern Territory parliament. The Marra people believe the mine will disturb and harm sacred sites on the island.

AAP Newswire (Australia, 22 November 2011).

Queensland

02/11/2011

Wild Rivers

State Environment Minister Vicky Darling announced consultations of three far north Queensland river catchments—the Coleman, Olive-Pascoe and Watson river basins would begin in November for Wild Rivers declaration.

National Indigenous Times (Malua Bay NSW, 2 November 2011), 7. *Weekend Australian* (Australia, 5 November 2011), 2. *AAP Newswire* (Australia, 4 November 2011). *Weekend Post* (Cairns Qld, 5 November 2011), 2. *Koori Mail* (Lismore NSW, 16 November 2011), 16.

