

# **NATIVE TITLE IN PERSPECTIVE**

*Selected Papers from the  
Native Title Research Unit  
1998 - 2000*

Editors: Lisa Strelein  
Kado Muir

**Native Title Research Unit**  
Australian Institute of Aboriginal  
and Torres Strait Islander Studies

# Native Title In Perspective Selected Papers From Native Title Research Unit 1998

**Veronica Tawhai, Katarina Gray-Sharp**

## **Native Title In Perspective Selected Papers From Native Title Research Unit 1998 :**

Contesting Native Title David Ritter, 2020-08-26 This book debunks in spectacular fashion some of the most treasured over inflated claims of the benefits of native title Professor Mick Dodson ANU Centre for Indigenous Studies David Ritter s fascinating account of the evolution of the native title system is elegant and incisive scholarly and sceptical above all unfailingly intelligent Professor Robert Manne La Trobe University An unsentimental richly informed account of a fascinating period in the history of Australia s relationships with its indigenous people From the Foreword by Chief Justice Robert French After the historic Mabo judgement in 1992 Aboriginal communities had high hopes of obtaining land rights around Australia What followed is a dramatic story of hard fought contests over land resources money and power yielding many frustrations and mixed outcomes Based on extensive research enriched by intimate experience as a lawyer and negotiator David Ritter offers both an insider s perspective and a cool headed and broad ranging account of the native title system In lucid prose Ritter examines the contributions of the players that contested and adjudicated native title Aboriginal leaders and their communities multinational resource companies pastoralists courts and tribunals politicians and bureaucrats His account lays bare the conflicts compromises and conceits beneath the surface of the native title process

**Handbook of Postcolonial Archaeology** Jane Lydon, 2010-10-31 The contributors to this volume themselves from six continents and many representing indigenous and minority communities and disadvantaged countries suggest strategies to strip archaeological theory and practice of its colonial heritage and create a discipline sensitive to its inherent inequalities

**Achieving Social Justice** Larissa Behrendt, 2003 This new work argues that a broad Indigenous rights framework is crucial to achieving positive change in the socio economic disadvantage into which Indigenous Australians are born It explains why addressing problems in Indigenous communities at a practical level needs to be done in conjunction with rights protection

Dialogue about Land Justice Lisa Strelein, 2010 Dialogue about Land Justice provides a solid understanding for readers of the key issues around native title from the minds of leading thinkers commentators and senior jurists It consolidates sixteen papers presented to the national Native Title Conference since the historic Mabo judgment

**Museums and Maori** Conal McCarthy, 2016-06-16 This groundbreaking book explores the revolution in New Zealand museums that is influencing the care and exhibition of indigenous objects worldwide Drawing on practical examples and research in all kinds of institutions Conal McCarthy explores the history of relations between museums and indigenous peoples innovative exhibition practices community engagement and curation He lifts the lid on current practice showing how museum professionals deal with the indigenous objects in their care engage with tribal communities and meet the needs of visitors The first critical study of its kind Museums and Maori is an indispensable resource for professionals working with indigenous objects indigenous communities and cultural centers and for researchers and students in museology and indigenous studies programs

*Declarations of Interdependence* Kirsten Anker, 2016-05-13 This book takes up the postcolonial challenge for law and

explains how the problems of legal recognition for Indigenous peoples are tied to an orthodox theory of law Constructing a theory of legal pluralism that is both critical of law's epistemological and ontological presuppositions as well as discursive in engaging a dialogue between legal traditions Anker focusses on prominent aspects of legal discourse and process such as sovereignty proof cultural translation and negotiation With case studies and examples principally drawn from Australia and Canada the book seeks to set state law in front of its own reflection in the mirror of Indigenous rights drawing on a broad base of scholarship in addition to legal theory from philosophy literary studies anthropology social theory Indigenous studies and art As a contribution to legal theory the study advances legal pluralist approaches not just by imagining a way to make space for Indigenous legal traditions but by actually working with their insights in building theory The book will be of value to students and researchers interested in Indigenous rights as well as those working in the areas of socio legal studies legal pluralism and law and cultural diversity **Indigenous Law Bulletin**, 2000 **Negotiating Claims** Christa

Scholtz, 2013-10-14 Why do governments choose to negotiate indigenous land claims rather than resolve claims through some other means In this book Scholtz explores why a government would choose to implement a negotiation policy where it commits itself to a long run strategy of negotiation over a number of claims and over a significant course of time Through an examination strongly grounded in archival research of post World War Two government decision making in four established democracies Australia Canada New Zealand and the United States Scholtz argues that negotiation policies emerge when indigenous people mobilize politically prior to significant judicial determinations on land rights and not after judicial change alone **Negotiating Claims** links collective action and judicial change to explain the emergence of new policy institutions

Always Speaking Veronica Tawhai, Katarina Gray-Sharp, 2011-12-01 This is a collection of papers that examine the current place of the Treaty of Waitangi in core public policy areas The authors analyse the tensions and dynamics in the relationship between Maori and the Crown in their areas of expertise detail the key challenges being faced and provide insights on how these can be overcome The policy areas covered in the collection span the environment Maori and social development health broadcasting the Maori language prison and the courts local government research science and technology culture and heritage foreign affairs women's issues labour youth education economics housing and the electoral system India-Australia Relations Indian Association for the Study of Australia. Conference, 2008 Preface 1 Introduction D Gopal 2 Conspicuous Hospitality Cultivating a New Racial Etiquette in Australia 1930 1960 David Walker 3 The Process of Positive Native Title Determination in Australia Leading to a Negative Title Priti Singh 4 Benign Whiteness in Australian Race Relations Auriol Weigold 5 Indians in Fiji in the Nineteenth Century An International Communication Perspective Peter Putnis 6 State and Citizenship in the Asia Pacific A Case Study of Japan and Australia Varalaxmi Naik 7 Minority Women and Forced Migrations A Comparative Study of Flight and Settlement Experiences of Women Refugees in India and Australia Ruchira Ganguly Scrase and Roberta Julian 8 Culture and Security A Lost Opportunity Greg Battye 9 Compassion and Fear

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**Index Contributors**

Currently witnessed developments in India Australia bilateral relations are engaging the attention of scholars on both sides of the Indian Ocean This book includes the contribution made by leading scholars from both India and Australia having bearing on the political economic and security realities of the emerging global order Not only do they critically examine the evolving of the dynamics of the India Australia relations but offer insightful analysis on the future trajectory of the bilateral relations highlighting the undercurrents of divergence and convergence in the policy orientations and overtures of the two countries Purported not only to sustain the currently ongoing meaningful scholarly exchanges the volume provides the much needed useful perspectives to the policy makers of both countries marking yet another milestone in the growing mutuality interests between the scholars from both sides of the Indian Ocean

**The Waitangi Tribunal** Janine Hayward, Nicola Wheen, 2016-09-26 The Waitangi Tribunal sits at the heart of the Treaty settlement process with a unique remit to investigate claims and recommend settlements But although the claims process has been hugely controversial little has been written about the Tribunal itself These essays by leading academics lawyers and researchers successfully fill that gap examining the Tribunal s role in reshaping Mori identity and society the Tribunal s future mission and its contribution to ideas of justice and reparation This perceptive analysis of a key institution is vital reading for anyone seeking to understand Treaty settlements Contributors Paul Hamer Geoff Melvin Grant Phillipson Richard Boast Tom Bennion Stephanie Milroy Jacinta Ruru Deborah Edmunds John Dawson Richard Price Debra Fletcher Evan Te Ahu Poata Smith Donna Hall Andrew Sharp

*Comparative Perspectives on Communal Lands and Individual Ownership* Lee Godden, Maureen Tehan, 2010-02-26

Comparative Perspectives on Communal Lands and Individual Ownership Sustainable Futures addresses property and land title as central mechanisms governing access to communally held land and resources The collection assesses the effectiveness of property law and tenure models developed around concepts of individual ownership for achieving long term environmental and economic sustainability for indigenous peoples and local communities It explores the momentum for change in the international realm and then develops a comparative focus across Australia North America Africa Peru New Zealand and the Pacific region examining the historical and current impacts of individuation of title on the customary law and practice of indigenous peoples and local communities Themes of property privatisation and sustainable communities are developed in theoretical analyses and case studies from these jurisdictions The case studies throw into sharp relief how questions of land law and resources management should not be separated from wider issues about the long term viability of communities Comparative analysis allows consideration of how western models of land tenure and land title might better accommodate the exercise of traditional practices of indigenous peoples and local communities while still promoting autonomy choice and economic development This volume will be of interest to scholars and professionals working in the fields of property law land reform policy and planning indigenous law and customary law environmental sustainability development and resource management

Native Title in Perspective Lisa Strelie, Kado Muir, 2000 **Properly**

**Warumungu** Kimberly Christen, 2004 Environment and Planning, 2005 International interdisciplinary journal discussing the relations between Society and Space Space is broadly conceived from landscapes of the body to global geographies from cyberspace to old growth forests as metaphorical and material as theoretical construct and empirical fact Covers both practical politics and the abstractions of social theory

Aboriginal Title and Indigenous Peoples Louis A. Knafla, Haijo Westra, 2011-01-01 Delgamuukw Mabo Ngati Apa Recent cases have created a framework for litigating Aboriginal title in Canada Australia and New Zealand This book brings together distinguished scholars who show that our understanding of where the concept of Aboriginal title came from and where it may be going can also be enhanced by exploring legal developments in these former British colonies in a comparative multidisciplinary framework Contributors trace the role that courts and legislatures played in the extinguishment and acquisition of Aboriginal title and land They then establish that although each country's development was distinctive common issues shaped and continue to inform indigenous peoples struggle for recognition This path breaking book offers a perspective on Aboriginal title that extends beyond national borders to consider similar developments in common law countries

Environmental Damage in International and Comparative Law Michael Bowman, Alan E. Boyle, 2002 This study considers the problems of defining and valuing environmental damage from the perspective of international and comparative law The need for a broad and systematic evaluation of this issue is illustrated by the number of topics presently on the international law making agenda to which it is relevant including the UN Compensation Commission's decisions on compensation for environmental losses suffered by Kuwait in the Gulf War nuclear

and oil pollution liability regimes the development of an environmental liability protocol to the Antarctic Treaty and other agreements on bio safety and genetically modified organisms It is thus an important element in contemporary efforts to strengthen legal remedies for environmental harm which does not necessarily come within traditional categories of legally protected personal or property rights

*Settling with Indigenous People* Marcia Langton, 2006 *Settling with Indigenous People* describes the making of ten contemporary mostly Australian local and regional agreements and details the avenues through which such agreements can be implemented and sustained The Australian regional agreements concern South West Australia the Murray Darling Basin and Cape York There is a chapter about the return of the Maralinga lands to its traditional owners and one detailing two local government agreements in central and southwest Australia Urban agreements in Darwin and Vancouver are compared and there are also chapters on the North West Territories and Northern Quebec in Canada and the Ngai Tahu in the South Island of New Zealand The discussion addresses governance and leadership negotiation strategies including the role of formal negotiating frameworks the importance of process and outcome the crucial impact of politics and timing the significance of private sector engagement implementation mechanisms The chapters show how agreement making has provided a forum in which indigenous groups can negotiate their needs and aspirations including fundamental issues of recognition inclusion and economic opportunity The authors include indigenous and non indigenous academics and others who have been involved in negotiating agreements

Contested Governance Janet Hunt, Diane Smith, Stephanie Garling, Will Sanders, 2008-10-01 It is gradually being recognised by both Indigenous and non Indigenous Australians that getting contemporary Indigenous governance right is fundamental to improving Indigenous well being and generating sustained socioeconomic development This collection of papers examines the dilemmas and challenges involved in the Indigenous struggle for the development and recognition of systems of governance that they recognise as both legitimate and effective The authors highlight the nature of the contestation and negotiation between Australian governments their agents and Indigenous groups over the appropriateness of different governance processes values and practices and over the application of related policy institutional and funding frameworks within Indigenous affairs The long term comparative study reported in this monograph has been national in coverage and community and regional in focus It has pulled together a multidisciplinary team to work with partner communities and organisations to investigate Indigenous governance arrangements the processes structures scales institutions leadership powers capacities and cultural foundations across rural remote and urban settings This ethnographic case study research demonstrates that Indigenous and non Indigenous governance systems are intercultural in respect to issues of power authority institutions and relationships It documents the intended and unintended consequences beneficial and negative arising for both Indigenous and non Indigenous Australians from the realities of contested governance The findings suggest that the facilitation of effective legitimate governance should be a policy funding and institutional imperative for all

Australian governments This research was conducted under an Australian Research Council Linkage Project with  
Reconciliation Australia as Industry Partner **A Companion to the Works of Kim Scott** Belinda Wheeler, 2016 Notes on  
the Contributors Index



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