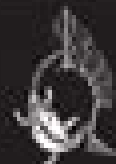
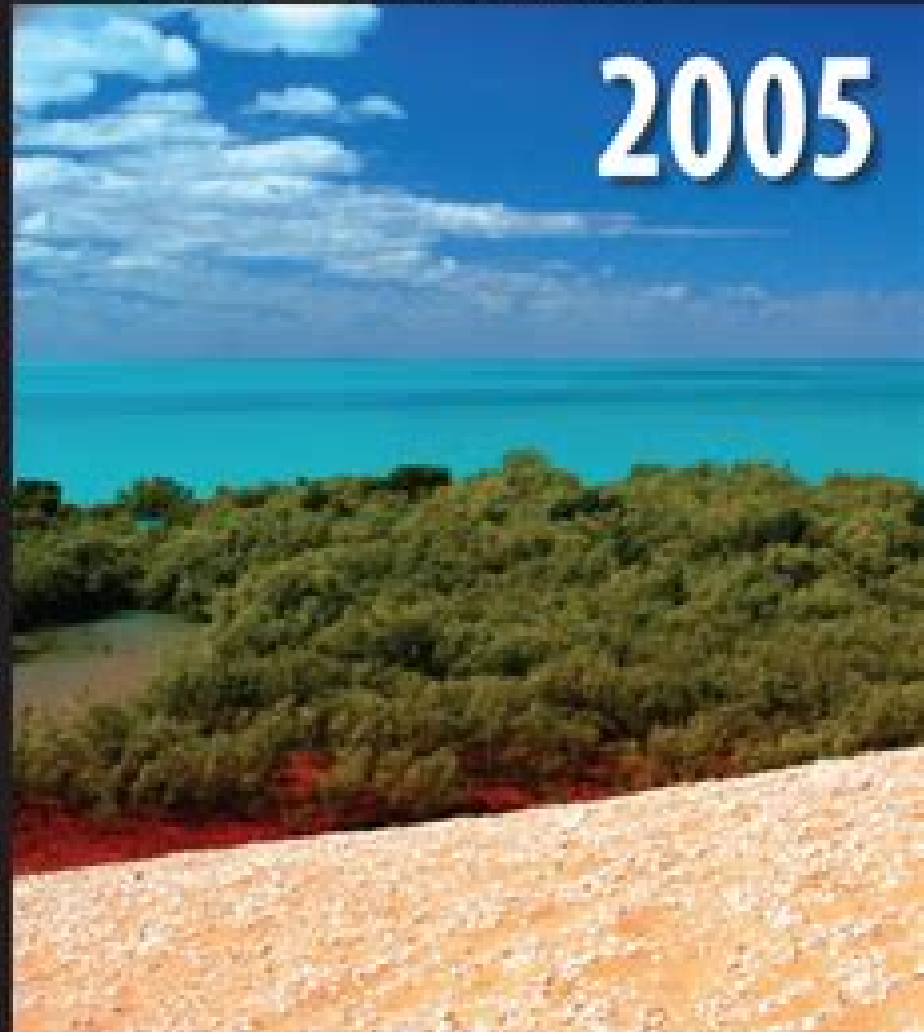


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Aboriginal & Torres Strait Islander Social Justice Commissioner Native Title Report 2005



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Amy McQuire



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Beyond Communal and Individual Ownership Leon Terrill, 2015-10-05 Over the last decade Australian governments have introduced a series of land reforms in communities on Indigenous land This book is the first in depth study of these significant and far reaching reforms It explains how the reforms came about what they do and their consequences for Indigenous landowners and community residents It also revisits the rationale for their introduction and discusses the significant gap between public debate about the reforms and their actual impact Drawing on international research the book describes how it is necessary to move beyond the concepts of communal and individual ownership in order to understand the true significance of the reforms The book s fresh perspective on land reform and careful assessment of key land reform theories will be of interest to scholars of indigenous land rights land law indigenous studies and aboriginal culture not only in Australia but also in any other country with an interest in indigenous land rights

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

The Proposed Nordic Saami Convention Nigel Bankes, Timo Koivurova, 2013-01-31 In 2005 an expert group representing the governments of Norway Sweden and Finland and the Saami parliaments of these countries agreed upon a draft text of a Nordic Saami Convention Key parts of the text deal with the recognition of Saami land and resource rights More recently the three governments have embarked on negotiations to move from this draft text to a final convention that may be adopted and ratified by all three countries Negotiations commenced in the Spring of 2011 and should be completed within five years This collection of essays explores the national and international dimensions of indigenous property rights

and the draft Convention which recognises the Saami as one people divided by international boundaries Part one of the book seeks to provide a global and theoretical context for these developments in the Nordic countries with a series of essays dealing with the moral and legal reasons for recognising indigenous property interests and different conceptualisations of the relationship between indigenous peoples and settler societies including recognition reconciliation and pluralism Part two of the book examines some international legal issues associated with the Convention including the background to the Convention Part three turns to examine aspects of the recognition of Saami property interests in each of the three Nordic states while Part four provides some comparative experiences examining the recognition of indigenous property rights in a number of jurisdictions including Canada Australia and a number of South American states An additional essay considers gender issues in relation to indigenous property rights

Native Title Report 2005 Australia. Aboriginal and Torres Strait Islander Social Justice Commission, Tom Calma, 2005 The purpose of this report is to examine from a non partisan and unbiased perspective some of the issues that have arisen during the debate and assess the proposal to lease Indigenous land against human rights standards existing land rights regimes and economic factors which will determine the effectiveness of the proposal by the NIC

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

Black Witness Amy McQuire, 2024-07-16 From one of this country's leading Indigenous journalists comes a collection of fierce and powerful essays proving why the media needs to believe Black Witnesses Amy McQuire has been writing on Indigenous affairs since she was 17 years old Over the past two decades she has reported on most of the key events involving Aboriginal and Torres Strait Islander peoples including numerous deaths in custody the Palm Island uprising the Bowraville murders and the Northern Territory Intervention She has also exposed the misrepresentations and violence of the mainstream media's reports as well as their omissions and silences altogether in regards to Indigenous matters Black

Witness showcases how journalism can be used to hold the powerful to account and make the world a more equitable place This is the essential collection that we need right now and always have *Routledge Handbook of Community Forestry* Janette Bulkan, John Palmer, Anne M. Larson, Mary Hobley, 2022-06-30 This handbook provides a comprehensive overview and cutting edge assessment of community forestry Containing contributions from academics practitioners and professionals the Routledge Handbook of Community Forestry presents a truly global overview with case studies drawn from across Africa Asia Europe and the Americas The Handbook begins with an overview of the chapters and a discussion of the concept of community forestry and the key issues Topics as wide ranging as Indigenous forestry conservation and ecosystem management relationships with industrial forestry trade and supply systems land tenure and land grabbing and climate change are addressed The Handbook also focuses on governance looking at the range of approaches employed including multi level governance and rights based approaches and the principal actors involved from local communities and Indigenous Peoples to governments and national and international non governmental organisations The Handbook reveals the importance of the historical context to community forestry and the effects of power and politics Importantly the Handbook not only focuses on successful examples of community forestry but also addresses failures in order to highlight the key challenges we are still facing and potential solutions The Routledge Handbook of Community Forestry is essential reading for academics professionals and practitioners interested in forestry natural resource management conservation and sustainable development **Modern Studies in Property Law - Volume 4** Elizabeth Cooke, 2007-05-21 This book is a collection of papers given at the sixth biennial conference at the University of Reading held in March 2006 and is the fourth in the series Modern Studies in Property Law The Reading conference has become well known as a unique opportunity for property lawyers to meet and confer both formally and informally This volume is a refereed and revised selection of the papers given there It covers a broad range of topics of immediate importance not only in domestic law but also on a worldwide scale

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 Australian Environmental Planning Jason Byrne,Neil Sipe,Jago Dodson,2014-04-16 Winner of the Planning Institute of Australia s 2015 Cutting Edge Research and Teaching Award Australians from all walks of life have begun to realise the nation s cities cannot sustain profligate growth indefinitely Dwindling water supplies failing food bowls increased energy costs more severe bushfires severe storms flooding coastal erosion rising transport expenses housing shortages and environmental pollution are now daily news headlines Australia s cities may have reached their ecological limits a new model for planning the places we live is needed Understanding the natural cycles of the city is just as important to planning our cities as knowledge of local ordinances indeed much more so A profound knowledge of environmental processes is critical for successful planning in today s world Environmental planners take as their guiding principle the concept of designing with nature approaching cities as living organisms that consume water energy and raw materials and produce waste This metabolic view of cities means we can find new solutions to old problems and steer our cities towards a more sustainable form of planning Written specifically for students and professionals working in city planning in Australia this ground breaking new book enables Australian planners architects and developers to get a better understanding of the fundamental principles of environmental planning for cities showing how land water air energy wildlife and people shape our built environments and how in turn environmental processes must be better understood if we are to make informed decisions about developing cities that are more sustainable The book s coverage is comprehensive from an overview of the concepts and theories of environmental planning through analysis of governance systems and urban environmental processes to agendas and policies for the future all the key topics are covered in depth with recommendations for supporting reading and an unrivalled selection of additional materials Ideal for students essential for professionals Australian Environmental Planning is vital reading for more sustainable cities in a more sustainable world Engaging Indigenous Economy Will Sanders,2016-04-20 The engagement of Indigenous Australians in economic activity is a matter of long standing public concern and debate Jon Altman has been intellectually engaged with Indigenous economic activity for almost 40 years most prominently through his elaboration of the concept of the hybrid economy and most recently through his sustained and trenchant critique of policy He has inspired others also to engage with these important issues both through his writing and through his position as the foundation Director of The Australian National University s Centre for Aboriginal Economic Policy research from 1990 to 2010 The year 2014 saw both Jon s 60th birthday and his retirement from CAEPR This collection of essays marks those events Contributors include long standing colleagues from the disciplines of economics anthropology and political science and younger scholars who have been inspired by Jon s approach in developing their own research projects All point to the complexity as well as the importance of engaging with Indigenous economic activity conceptually empirically and as a strategic concern for public policy Aboriginal Title P.G. McHugh,2011-08-18 Aboriginal title the land rights of

native peoples in former colonies is one of the most significant developments in common law in the late 20th century This book by a key author in this field sets out the beginnings judicial acceptance and influence of this doctrine across national jurisdictions and in international law

Rights and Redemption Ann Curthoys, Ann Genovese, 2008 History has been central to a number of heated public debates in recent years As Indigenous people have sought redress through the law the role of history in the courts has become highly charged Rights and Redemption is a detailed investigation of the uses of history and historians in high profile cases involving Indigenous litigants something not previously attempted Ann Curthoys Ann Genovese and Alexander Reilly look at cases before the Federal Court during the era of the Howard government a time when Indigenous rights and the place of Aboriginal people in the national story were undermined in government laws and policies They investigate how the courts have made use of historians as expert witnesses and how the colonial past has been framed and understood by the courts Rights and Redemption is an important record of a unique period of litigation in Indigenous affairs in Australia and a meditation on ways in which law and history might improve Indigenous rights Book jacket

International Development Law Petra Minnerop, Rüdiger Wolfrum, Frauke Lachenmann, Max-Planck-Gesellschaft zur Förderung der Wissenschaften, 2019 This volume brings together articles on international development law from the Max Planck Encyclopedia of Public International Law the definitive reference work on international law It provides an invaluable resource for scholars students and practitioners of international development law giving an accessible thorough overview of all aspects of the field Each article contains cross references to related articles and includes a carefully selected bibliography of the most important writings and primary materials as a guide to further reading The Encyclopedia can be used by a wide range of readers Experienced scholars and practitioners will find a wealth of information on areas that they do not already know well as well as in depth treatments on every aspect of their specialist topics Articles can also be set as readings for students on taught courses

Parliamentary Debates (Hansard). Australia. Parliament. Senate, 2007-09-10

The Politics of Resource Extraction S. Sawyer, E. Gomez, 2012-02-14 International institutions United Nations World Bank and multinational companies have voiced concern over the adverse impact of resource extraction activities on the livelihood of indigenous communities This volume examines mega resource extraction projects in Australia Bolivia Canada Chad Cameroon India Nigeria Peru the Philippines

Indigenous Aspirations and Structural Reform in Australia Harry Hobbs, 2021-01-28 Can the Australian state be restructured to empower Aboriginal and Torres Strait Islander peoples and ensure that their distinct voices are heard in the processes of government This book provides an answer to that question for Australia and provides guidance for all states that claim jurisdiction and authority over the traditional lands of Indigenous peoples By engaging directly with Indigenous peoples nuanced and complex aspirations this book presents a viable model for structural reform It does so by adopting a distinctive and innovative approach drawing on Indigenous scholarship globally it presents a coherent and compelling account of Indigenous peoples political aspirations through the concept of sovereignty It

then articulates those themes into a set of criteria legible to Australia's system of governance. This original perspective produces a culturally informed metric to assess institutional mechanisms and processes designed to empower Indigenous peoples. Reflecting the Uluru Statement from the Heart's call for a First Nations Voice, the book applies the criteria to one specific institutional mechanism: Indigenous representative bodies. It analyses in detail the Aboriginal and Torres Strait Islander Commission and the Swedish Sámi Parliament, a representative body for the Indigenous people of Sweden. In examining the Sámi Parliament, the book draws on a rich source of primary and secondary untranslated Swedish language sources, resulting in the most comprehensive English language exploration of this unique institution. Highlighting the opportunities and challenges of Indigenous representative bodies, the book concludes by presenting a novel and informed model for structural reform in Australia that meets Indigenous aspirations.

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.

Resolving Indigenous Disputes Larissa Behrendt, Loretta Kelly, 2008. This book looks at the way in which dispute resolution processes can be developed to more effectively empower Aboriginal people and assist with the more equitable and satisfactory resolution of disputes between Aboriginal people and between Aboriginal people and other groups. It uses conflict around land, particularly at the intersection between land claim and native title, as its focus. These have been identified through extensive field research. The book also explores the building of models of alternative dispute resolution processes based on Aboriginal cultural values and world views. It provides practical tools to practitioners who are seeking to find more effective ways of dealing with conflict in Aboriginal communities or between Aboriginal communities and other stakeholders.

Indigenous Peoples and Real Estate Valuation Robert A. Simons, Rachel M. Malmgren, Garrick Small, 2009-01-07. Sponsored by the American Real Estate Society (ARES), *Indigenous Peoples and Real Estate Valuation* addresses a wide variety of timely issues relating to property ownership rights and use, including ancestral burial, historical record of occupancy, treaty implementation problems, eminent domain, the effects of large governmental change financing projects under formal and informal title or deed document systems, exclusive ownership vs. non-exclusive use rights, public land ownership, tribal or family land claims, insurgency and war, legal systems of ownership prior to government expropriation of lands, moral obligation to Indigenous peoples, colonial occupation, and common land leases. These issues can also be broadly grouped into topics such as conflict between Indigenous and western property rights, communal land ownership, land transfer by force, legacy issues related to past colonization and apartheid, and metaphysical Indigenous land value.

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Table of Contents Native Title Report 2005

1. Understanding the eBook Native Title Report 2005
 - The Rise of Digital Reading Native Title Report 2005
 - Advantages of eBooks Over Traditional Books
2. Identifying Native Title Report 2005
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Native Title Report 2005
 - User-Friendly Interface
4. Exploring eBook Recommendations from Native Title Report 2005
 - Personalized Recommendations
 - Native Title Report 2005 User Reviews and Ratings
 - Native Title Report 2005 and Bestseller Lists
5. Accessing Native Title Report 2005 Free and Paid eBooks

- Native Title Report 2005 Public Domain eBooks
- Native Title Report 2005 eBook Subscription Services
- Native Title Report 2005 Budget-Friendly Options
- 6. Navigating Native Title Report 2005 eBook Formats
 - ePub, PDF, MOBI, and More
 - Native Title Report 2005 Compatibility with Devices
 - Native Title Report 2005 Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Native Title Report 2005
 - Highlighting and Note-Taking Native Title Report 2005
 - Interactive Elements Native Title Report 2005
- 8. Staying Engaged with Native Title Report 2005
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Native Title Report 2005
- 9. Balancing eBooks and Physical Books Native Title Report 2005
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Native Title Report 2005
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Native Title Report 2005
 - Setting Reading Goals Native Title Report 2005
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Native Title Report 2005
 - Fact-Checking eBook Content of Native Title Report 2005
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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