

Native Title Report

2005



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



Native Title Report 2005

Puja Mehta



Native Title Report 2005:

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.

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.

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. **Native Title Report 2005** Australia. Human Rights and Equal Opportunity Commission, 2005. Examines issues arising from the debate on the National Indigenous Council Land Tenure principles and proposed changes to the communal nature of land interests to

promote individual home ownership makes recommendations aimed at improving economic development on Indigenous land which uphold Australia's human rights obligations these recommendations develop the principles for economic and social development set out in the Native Title Report 2004 Annexure 2 is the National Indigenous Council Draft Working Document Possible Indigenous Land Tenure Principles Annexure 4 is a chronology of events in native title July 2004 June 2005

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 Annual Report Australia. Human Rights and Equal Opportunity Commission, 2004 Lands of Shame Helen Hughes, 2007 Some 90 000 of Australia's 500 000 Aborigines and Torres Strait Islanders live appallingly deprived lives in homelands thought remote Australia Their health and housing are so abysmal that their expectation of life is 20 years shorter than that of other Australians Deprived of education they cannot access jobs even in settlements near mines and tourist resorts leading to welfare dependency and consequent family and social dysfunction The homelands were created with the best of intentions However they have not only failed to provide a living for Aborigines and Torres Strait Islanders but they have stultified the development of traditional culture so that alcoholism and violence demean and destroy many lives *Lands of Shame* analyses why the homelands experiment has led to Third World living conditions in the midst of Australia's prosperity It reviews the evidence on demographic trends law and order land rights joblessness and welfare education health housing and governance and assesses Commonwealth State and Territory policies With an eye to a better future *Lands of*

Shame also discusses policies that would give Aborigines and Torres Strait Islanders in remote Australia the same opportunities and choices that other Australians expect **Parliamentary Debates (Hansard)**. Australia. Parliament. Senate,2007-09-10 *Indigenous Legal Relations in Australia* Larissa Behrendt,Chris Cunneen,Terri Libesman,2009 This book looks at Indigenous peoples contact with Anglo Australian law and deals primarily with the problems the imposed law has had in its relationship with Indigenous people in Australia This is supplemented by comparative sections on Indigenous peoples experience of imposed law in other settler jurisdictions such as NZ Canada and the US The book covers issues relating to sovereignty jurisdiction and territorial acquisition family law and child protection criminal law policing and sentencing land rights and native title cultural heritage heritage protection and intellectual property anti discrimination law international human rights law constitutional law social justice self determination and treaty issues From information provided by publisher **Annual Report** Australian Institute of Aboriginal and Torres Strait Islander Studies,2006

Annual Report Queensland Health,2004 *Index to Parliamentary Debates, Hansard* Australia. Parliament. House of Representatives,2007 Bibliographic Index ,2009 Parliamentary Debates (Hansard). Australia. Parliament. House of Representatives,2008-02-12 "Code of Massachusetts regulations, 2005" ,2005 Archival snapshot of entire looseleaf Code of Massachusetts Regulations held by the Social Law Library of Massachusetts as of January 2020 **Compromised Jurisprudence** Lisa Strelein,2006 Native title has dramatically altered the law and public policy in Australia It has had a fundamental impact on social relations between Indigenous and non Indigenous people The courts have played a central role in its development and continue to do so Twelve years have seen the evolution of native title from uncertain foundations to an arguably compromised jurisprudence Compromised Jurisprudence traces the development of the courts thinking from the original decision in *Mabo v Queensland No 2* through to the significant High Court decisions in 2001 in *Western Australia v Ward* and *Yorta Yorta* and the subsequent implementation of those cases by the Federal Court in cases such as *De Rose* Each chapter contains a discrete analysis of the most significant cases during this period A time line of events enables the reader to map the trajectory of the key doctrines of native title The book s conclusion identifies the underlying themes and contradictions in the law **Who's who in Australia 2009** ,2007 A biographic reference to notable people in Australia Entrants are drawn from all areas of Australian life including the arts politics education medicine defence business diplomatic service and recipients of honours and awards *Annual Report* Queensland. Department of Natural Resources and Mines,2004 *Inside the Mason Court Revolution* Jason Louis Pierce,2006 This book examines the Australian High Court s enormously controversial and politically explosive transformation during the 1990s Led by Chief Justice Anthony Mason the Court embarked on a concerted effort to recast its role within Australia s legal and political systems The Court moved to the storm center of Australian politics as it became a catalyst for reforms that appeared unobtainable through parliamentary means including rights for Australia s indigenous population and free speech protections Securing

unprecedented access to Australia's High Court and senior appellate judges Pierce describes how the transformation unfolded identifies the conditions that encouraged it and explores how the Mason Court reforms have attenuated in recent years in the face of a hostile conservative government and in the absence of formal support structures such as a bill of rights The book situates the High Court's transformation in the wider context of similar changes that occurred in other common law judicial systems during recent decades including the United States Great Britain and Canada Inside the Mason Court Revolution is the go to book for a solid accessible analysis of recent jurisprudential changes on Australia's High Court an informative explanation of why these changes occurred and thoughtful commentary on how permanent they may be Law Politics Book Review Pierce intelligently analyses the reasons for the Court's activism during this period such as the passage of the Australia Act 1986 and Australia's growing legal independence the introduction of compulsory retirement for High Court judges and the requirement for leave to appeal in virtually all cases This excellent work cogently analyses the criticisms made of the Court during this period that it was too activist and political for an unelected body Law Institute Journal The book is based on more than eighty in depth interviews with the senior judiciary in Australia in the late 1990s Pierce quotes at length from the interviews and it is extremely valuable to hear these judges in their own words the quotes are enormous fun and can be very thought provoking Oxford University Commonwealth Law Journal Herein lies the book's great importance Pierce so convincingly argues utilising the remarks of the very echelon of the Australian profession as support that how courts function is dependent upon a complex interplay of legal individual institutional and political variables that neither camp lawyer or political scientist can remain happily in their comfort zone Federal Law Review Against what sorts of political standards do we assess claims of the use and abuse of judicial powers The relevance of Pierce's fascinating book is that it provides a fresh answer to this quite fundamental question Pierce deserves many non Australian readers The American Review of Politics Pierce has thoroughly researched his subject and for that reason this book is a worthwhile addition to any library Precedent Magazine The judicial comments recorded in this book are in many cases both thoughtful and thought provoking They provide great insight into the judicial role and method from those who practise it Both the divergences and similarities in views are instructive and this material could well prove useful for future studies on the judiciary Melbourne University Law Review

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