

TALKING NATIVE TITLE

NEWS FROM THE NATIONAL NATIVE TITLE TRIBUNAL



Rose Sansbury from the Narungga Nations Aboriginal Corporation and Mayor Robert Schulze of the District Council of Yorke Peninsula at the signing ceremony.

Left: Representatives of the Narungga Nations Aboriginal Corporation signing the ILUA. Left to Right: Rose Sansbury, Tony Walker, Klynton Wanganeen, Lyle Sansbury and Clem O'Loughlin. Legal representative, Phil Broderick, stands behind.

Narungga people and local councils lead the way in South Australia

Four local councils, Indigenous people and the South Australian Government have negotiated South Australia's first native title-local government agreement.

The groups finalised an indigenous land use agreement (ILUA) on the Yorke Peninsula that establishes a process for planning infrastructure development, including a protocol for protecting Aboriginal heritage.

The Narungga Nations Aboriginal Corporation, District Council of Yorke Peninsula, Wakefield Regional Council, District Council of Copper Coast, District Council of Barunga West, Aboriginal Legal Rights Movement (ALRM) and the State Government sealed the agreement on 3 December at Maitland.

The agreement recognises the Narungga people as the traditional owners of Yorke Peninsula and provides a compensation package.

It is the first agreement in South Australia that establishes a process for the Native Title Act and Aboriginal Heritage Act to work together.

Under the agreement's Aboriginal heritage protection protocol, developers must notify the Narungga Nations Aboriginal Corporation of the time and location they have chosen for infrastructure development to give the Narungga people time to arrange for the protection of their cultural heritage sites.

National Native Title Tribunal Member, Dan O'Dea, facilitated the negotiations between the groups. He said it was a tremendous effort for the groups to work together for 20 months to establish a protocol that gave the Narungga people assurance that they could protect their heritage and gave the

governments the assurance that they could carry out their plans for infrastructure development.

'The Narungga people and the local governments have led the way for other local governments in the state that may have native title claims to consider in their community development plans', he said.

ALRM Chief Executive, Parry Agius, said the Narungga ILUA was another signal of the willingness of Aboriginal people to enter into agreements.

'This agreement is the result of goodwill by all parties and a willingness to establish strong relationships', he said.

Yorke Peninsula Mayor, Robert Schulze said the ILUA was a good result for everyone.

'All of the councils want some certainty on native title and heritage matters and also recognise the need to establish better relationships with the Narungga nation about the protection of its interests. We have achieved that', he said. ■

In this issue...

- Djabugay people's native title recognised over Barron Gorge National Park... page 2
- South Australia region benefits from mediation focus on Aboriginal law page 3
- Torres Strait Islanders look ahead to sea rights page 4
- National approach to increase involvement in marine management page 6
- Acknowledgement of rights in national parks page 7

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Photos in this issue courtesy of: Australian Tourism Commission and Tribunal staff.

From the President



Tribunal President Graeme Neate (centre) with native title holder Willie Brim (right) and legal representative for the Djabugay people, Michael Neal (left) at the Djabugay native title determination at Kuranda, near Cairns, in December 2004.

National parks occupy an important place in the image of Australia; and contemporary Australia is developing a deeper understanding and appreciation of the special ties that Indigenous people have those areas.

In the sandy plains of the Western Desert and the topical rainforests of northern Queensland, along stretches of coastline and snow-topped ranges, national parks highlight the diverse features of the Australian landscape.

The natural environment has influenced many aspects of the lives of Indigenous Australians for thousands of years. Land is central to their heritage, spirituality, customs and culture.

Indigenous Australians have managed and cared for their traditional lands, passing on knowledge about those areas and resources from generation to generation.

How those traditional links to land can best be recognised and exercised in national park areas is a challenge faced by governments and the broader community. Decisions have to be made about such matters as the extent to which Indigenous people might hunt or camp on the land, and whether the public should be excluded from some areas that are significant to those people.

Various approaches have been taken under land rights laws in different parts of Australia.

More recently, agreements have been reached under native title laws to recognise those links and involve native title holders in the management of the land.

In December 2004, a consent determination was made that native title exists over Barron Gorge National Park near Cairns in north Queensland. Registration of that determination depends on an indigenous land use agreement (ILUA) that sets out how some of the native title rights will be exercised in the national park. Details of the determination can be found inside this issue of *Talking Native Title*.

In February 2005 the Northern Territory Legislative Assembly passed the final piece of legislation in a scheme through which 32 ILUAs are expected to be finalised over 27 parks and reserves in the Northern Territory. The ILUAs are aimed at settling all native title issues over these national park ILUA areas.

The Northern Territory Government decided to develop these agreements following a decision by the High Court in August 2002 that Keep River National Park

in the Northern Territory had not been established properly. That decision cast doubt over other parks that had been declared between 1978 and 1998.

Facing the prospect of working through native title and compensation claims (with potentially high costs), the Territory Government decided that the best way to proceed was to develop joint management agreements over the parks with Aboriginal groups with interests in these areas. Negotiations involved the Government, various native title claim groups and the Northern Land Council and Central Land Council.

In 2001 a new national park was created in the Byron Bay region of New South Wales, before the native title claimant application was finalised. Again an ILUA was the document that recorded the details of the agreement.

Such ILUAs show that, even in areas where there are numerous interests to be recognised and various values to be protected, practical agreements can be reached.

By acknowledging traditional links to the land and involving Indigenous people in its management, the interests of Indigenous people are recognised and respected - and the experience of visitors to the parks is enhanced.

Experience in negotiating and administering such agreements should inform future negotiations in other parts of Australia. ■

Djabugay people's native title recognised over Barron Gorge

Djabugay native title holder Willie Brim proudly led the way through the cool rainforest of Barron Gorge National Park in North Queensland's world heritage listed Wet Tropics area.

He spoke about his land, pointing out various trees and plants and their healing powers, in the knowledge that his people's native title rights had been recognised under Australian law.

Following were people from the Tribunal, Federal Court and State Government who an

hour earlier had heard Justice Jeffrey Spender hand down a consent determination recognising the non-exclusive native title rights and interests of the Djabugay people in the 2,800 hectare park, nine kilometres north-west of Cairns.

Represented by Michael Neal Lawyers, the Djabugay people had negotiated with the State of Queensland and Cairns City Council to reach an agreement that took into account their respective rights and interests, as well as those of the Wet Tropics

Management Authority, Skyrail Pty Ltd, Mareeba Shire Council, Powerlink, Ergon Energy Corporation and Stanwell Corporation.

The North Queensland Land Council arranged for the Djabugay Native Title Aboriginal Corporation to be registered. It will be the prescribed body corporate responsible for performing some of the functions on behalf of the Djabugay people.

The Djabugay Native Title Aboriginal Corporation, the Djabugay people and the

South Australia region benefits from mediation focus on Aboriginal law

Almost a year after historic meetings at Spear Creek, a pastoral property and tourist facility near Port Augusta, groups in South Australia are still experiencing flow-on results.

Last May more than 400 people, including 100 senior Aboriginal people, made agreements during six days of meetings that have since led to the amendment of their claims and the resolution of claim boundary overlaps.

The 100 senior Aboriginal people came from the Anangu Pitjantjatjara lands, and the communities of Oak Valley, Yalata and Tjuntjuntjara. They provided counsel and advice on traditional law to nine native title applicant groups from central west and south-west South Australia.

The mediation meetings at Spear Creek were part of a strategy initiated by the Aboriginal

Legal Rights Movement (ALRM) and supported by the Tribunal to resolve the overlap of nine native title claims. The heart of this strategy was the integration of Aboriginal law into the mediation of the intra-indigenous disputes underlying the claim boundary overlaps. At Spear Creek, Tribunal members presided over about 30 mediation meetings during the six days, which resulted in ten separate in-principle agreements. Senior Aboriginal people played a vital role, either directly or indirectly, in the discussions that led to these agreements.

To date, the finalisation of these in-principle agreements has led to the withdrawal of two native title claims. As a result, the Gawler Ranges native title claim is no longer affected by overlaps and late last year the Gawler Ranges claim group began actively negotiating indigenous land use agreements

(ILUAs) with the South Australian Government and other parties. Other outcomes that have followed on from the in-principle agreements made at Spear Creek include: an application to register an extension to the area of a mineral exploration ILUA involving the Antakirinja claim group; and the recent commencement of ILUA negotiations involving the Far West Coast claim group, the State Government and other parties.

Tribunal member, Christopher Sumner, said: 'At the meetings the aim was to achieve enduring outcomes based on and supported by the relevant Indigenous law and custom. As a result of everyone's cooperative efforts we have seen significant progress with native title claims in the state's central west and south-west regions.' ■

Djabugay native title holders dance and sing in celebration after the Federal Court made a consent determination recognising their native title rights and interests.



National Park

State of Queensland also developed an indigenous land use agreement (ILUA) over the area. The consent determination will come into effect once the Tribunal has registered this ILUA.

It was the first consent determination to be made over a national park in Queensland without litigation and the 11th determination finalised in the state in 2004.

Willie said the Djabugay people had never lost their connection to their country but had spent

the previous 10 years seeking recognition of their native title rights.

'Now we're picking up the pieces, moving forward, re-building and continuing our connection to our country', he said.

'Now that there is recognition of Djabugay country we can start to recognise our dreams for our culture even more.'

For the Djabugay people the consent determination is a step towards further talks with the State Government about their involvement in the management of Barron Gorge National Park.

The Djabugay people are seeking a formal agreement that will give them a much greater role in the management of the park.

Tribunal President, Graeme Neate, mediated the claim since 1997. 'Throughout the negotiations the Djabugay people had expressed their willingness to exercise their rights in a manner compatible with the management of the national park', he said.

For more details about the Djabugay people's native title rights and interests that have been recognised over the park, visit the Tribunal's website at <http://www.nntt.gov.au/media/Djabugay.html> ■

Torres Strait Islanders look ahead to sea rights

'Next step—sea rights' were the words echoed by every island leader as they shifted their focus to the next challenge following the long-awaited recognition of their native title rights over five Torres Strait island communities.

In December, Justice Cooper of the Federal Court recognised Torres Strait Islanders' exclusive native title rights and interests over five community islands, Erub, Ugar, Boigu, Iama and Badu and two uninhabited islands, Gebar and Aured. These determinations finalised the last of the native title claims over the region's community islands.

Represented by the Torres Strait Regional Authority (TSRA,) the claimants reached agreement with the Queensland Government and other interested groups after years of negotiation.

TSRA Chairperson, Toshie Kris, said that gaining recognition of their native title rights over all the Torres Strait island communities was only the first step—the next was recognition of their rights over the sea.

Addressing the Badu Island community after the court hearing he said: 'Without the sea claim you and me can't call each other proper Ailan man'.

Torres Strait Islanders have lodged one blanket sea claim over their region, seeking the recognition of native title rights and interests. A key focus will be the nature of those rights and interests in light of other sea rights claims, such as the Yarmirr, Lardil and Blue Mud Bay cases*.

'The specifics and strengths of the sea claim will depend on everyone working together', said TSRA native title portfolio member and Boigu Island chairman, Donald Banu. 'We'll be a stronger unit because we'll all be fighting to achieve the one goal.'

He said the native title consent determinations had brought the communities closer together.

Agreements could not be struck until the Federal Court's decision of 14 October 2003 on *Erubam Le v State of Queensland* which established that where public works had been

constructed on the islands before 24 December 1996 all native title to those sites would be extinguished.

Tribunal Member, Graham Fletcher, said that after the Federal Court handed down its decision the parties came back to the negotiating table and in 2004 reached settlements recorded in indigenous land use agreements between the respective parties, to address some of the legal issues.

'As a result they have achieved native title determinations which come into effect once the ILUAs have been registered with the National Native Title Tribunal', he said.

Following the native title determination on Ugar on 9 December, Ugar Chairperson, Rocky Stephen summed up the impact of the native title recognition: 'Today I can stand up before you and say I am proud to be an Ugar person. Today will always be in our hearts.'■

**For information about the Yarmirr, Lardil and Blue Mud Bay cases visit the Tribunal's website at www.nntt.gov.au*



Iama native title holder and one of the last descendants of the Kebisu bloodline, Charles David with Murray George, native title holder and one of the Tudulaig Yamagal descendents.



Beating drums, Iama men led the way to the community hall on Iama.

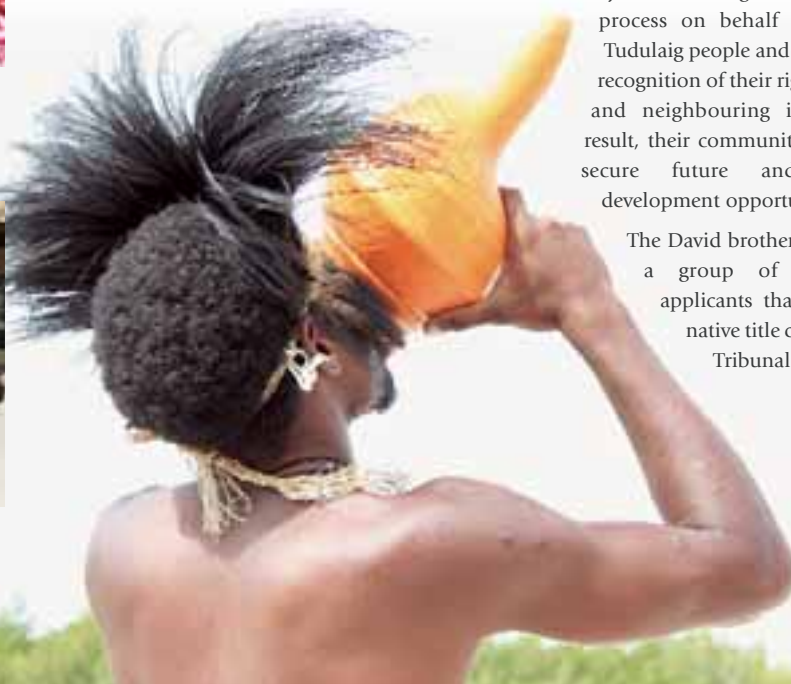
Native title recognition brings opportunities for Iama

The sound of the boo shell heralded the arrival of visitors to Iama for the native title consent determination.

Iama brothers Ned and Charles David from central Torres Strait know what it takes to achieve native title recognition.

They went through the native title process on behalf of Iama and Tudulaig people and achieved legal recognition of their rights over Iama and neighbouring islands. As a result, their community now faces a secure future and economic development opportunities.

The David brothers were among a group of native title applicants that lodged four native title claims with the Tribunal in 1996 over





TSRA Chairman Toshie Kris congratulates Erub native title holder, George Mye, who was the key applicant.



Tribunal Member, Graham Fletcher, lama native title holder, Lizzy Lui, and Tribunal case manager, Gary Lui, on lama following the Federal Court hearing.



The Erub community clapped, whistled and cheered when Justice Cooper handed down the consent determination recognising their native title rights.



Boigu native title holders Gary Tom and Walter Ingui at the consent determination on Boigu Island in the far north of the Torres Strait.

Iama, Zagai, Caplet and Tudu Islands*. They spent the next eight years negotiating with groups with registered interests in the claim area. The Torres Strait Regional Authority (TSRA) represented the claimants from early 2002.

Through these negotiations the claimants reached agreement with the Queensland Government, Telstra, Ergon Energy and other parties about how their respective native title rights and interests would be recognised in the consent determination and how they would co-exist in the future. The native title holders agreed to enter into indigenous land use agreements with each of these parties.

Justice Cooper of the Federal Court handed down a consent determination consistent with the terms of agreement reached with the other parties, recognising the exclusive native title rights and interests of the Iama and Tudulaig people over the 12 sq km area.

Speaking after the Federal Court determination hearing on Iama, original

native title applicant Ned David, said: 'This is a launching point for progress, in five or 10 years time we and our piccaninnies will want to look back and say that this was a pivotal moment.

'During the time since we filed the application in June 1996, there have been plenty of highs and plenty of lows. There was plenty of division amongst us but we were able to contain that.

'Today is going to be remembered for a range of reasons. Today is the formal recognition that we're a distinct race of people and a distinct culture.'

He said the community hadn't explored commercial opportunities but there had been thoughts about creating an industry that would benefit the community as a whole, for example a tourism, fishing or diving industry.

Applicant, Prescribed Body Corporate member and one of the last descendants of the Kebisu bloodline, Charles David said they were now looking at more economic stability

for the island, which couldn't have happened before the determination.

'Everyone knows where everyone stands now', he said. 'The recognition is there 100 per cent. We can now liaise with the council for advancement and betterment of the community.

'Younger people have a secure future whereas in the past that wasn't the case and a lot of the youth had to leave the island. Now we can head to the bigger picture—for autonomy.'

Iama Chairperson and TSRA Member, Walter Mackie, said he expected a few community members would take the step forward to start up business ventures.

'The Council is encouraging initiative from individuals', he said. 'We're providing all we can and we must have appropriate training to build an economic base for our community. It's an opportunity we have now. ■

*These applications were combined into one and lodged with the Federal Court in 2002.



National approach to increase Indigenous peoples' involvement in marine management

A set of widely endorsed principles released in December last year can potentially guide the future development of fishing strategies for Aboriginal peoples and Torres Strait Islanders across Australia.

Since June 2004, the Tribunal has consulted with members of the National Indigenous Fishing Technical Working Group (NIFTWG) to develop a set of principles that would encourage the recognition of traditional fishing practices and facilitate greater involvement of Indigenous people in commercial fisheries, charter fishing and eco-tourism activities.

The NIFTWG is comprised of experts from the seafood industries, recreational and commercial fishing, indigenous fishing, native title, and state, territory and federal government fisheries and natural resource management agencies.

Tribunal Member John Catlin, who co-chairs the NIFTWG with Member Barty McFarlane, said the principles had great potential for guiding the future development of indigenous fishing strategies within the framework of sustainable fisheries management.

'Reaching agreement by consensus on these principles has demonstrated the persistence of Indigenous people to progress indigenous aspirations in relation to marine and fisheries management and the willingness of other parties to recognise those goals', Mr Catlin said.

The principles, which are not legally binding, are based on recognition of both indigenous traditions related to freshwater and saltwater environments and contemporary commercial aspirations. They encourage governments to protect the traditional fishing practices of Indigenous people and support greater involvement of Indigenous people in marine management and related businesses.

Mr Catlin said that, from the outset, stakeholders favoured a policy-driven approach to address these issues, and that support for the principles did not affect the legal rights of Indigenous people or limit their scope to pursue other options.

For the principles to have effect they must be adopted by relevant fisheries jurisdictions at the federal, state and territory level. To this end, the adoption of the principles is being progressed through national bodies responsible for fisheries and natural resource management across Australia.

Fisheries agencies brought their positions on the principles to a meeting on March 11 of the Natural Resource Management Standing Committee, which reports to the Natural Resource Management Ministerial Council. Endorsement from these forums will ensure high-level support for the national principles from governments.

The principles communiqué on Indigenous fisheries is available in full from the 'current projects' section of the Tribunal's website: <http://www.nntt.gov.au/media/Projects.html>

Principles on Indigenous fisheries

1. Indigenous people were the first custodians of Australia's marine and freshwater environments: Australia's fisheries and aquatic environment management strategies should respect and accommodate this.
2. Customary fishing is to be defined and incorporated by governments into fisheries management regimes, so as to afford it protection.
3. Customary fishing is fishing in accordance with relevant Indigenous laws and customs for the purpose of satisfying personal, domestic or non-commercial communal needs. Specific frameworks for customary fishing may vary throughout Australia by reference, for example, to marine zones, fish species, Indigenous community locations and traditions or their access to land and water.
4. Recognition of customary fishing will translate, wherever possible, into a share in the overall allocation of sustainable managed fisheries.
5. In the allocation of marine and freshwater resources, the customary sector should be recognised as a sector in its own right, alongside recreational and commercial sectors, ideally within the context of future integrated fisheries management strategies.
6. Governments and other stakeholders will work together to, at minimum, implement assistance strategies to increase Indigenous participation in fisheries-related businesses, including the recreational and charter sectors.
7. Increased participation of Indigenous people in fisheries related businesses and fisheries management, together with related vocational development, must be expedited. ■

Consent determinations over pastoral land

The December 2004 issue of *Talking Native Title* stated that the first native title consent determination over pastoral lease land to be made in Australia was part of the Karajarri people's native title claim in the Kimberley, Western Australia. That was incorrect. The first such consent determination was in the Nharnewangga, Wajarri and Ngarlawangga native title claim, decided in 2000. We apologise for overlooking that determination.



Uluru-Kata Tjuta National Park.



As result of joint management arrangements, field officer, Sean Kay of the Arakwal people, is employed to assist with the conservation of the Arakwal National Park.

Increased acknowledgement of rights in national parks

There is increasing acknowledgement of the interests of Indigenous people in the nation's national parks and conservation areas.

National parks and other conservation areas are being recognised as places also protected in accordance with the traditional laws and customs of Indigenous people.

In 1978, Australia's largest protected wilderness area, the world-heritage listed Kakadu National Park became the first national park to develop a joint management model between its authorities and traditional owners.

The park, located in the wet-dry tropics of the Northern Territory, has received United Nations recognition as a model for involving Indigenous people in the management of protected areas.

Uluru-Kata Tjuta, in Australia's arid centre, followed in 1985 when the Governor General of Australia handed back the title deeds to the Traditional Anangu Owners. The traditional Aboriginal owners leased the land back to the Australian Government in accordance with joint management arrangements.

The first national park to be created in consultation with native title applicants was Byron Bay's Arakwal National Park in New South Wales. It was created in 2001 under an agreement between the Arakwal people and a range of government and community groups. The agreement provided for a joint management arrangement between the Arakwal People and the NSW National Parks and Wildlife Service.

Since the recognition of native title in the Australian legal system, six national parks, two conservation reserves and six nature reserves have been involved in native title determinations, covering a total area of approximately 23,539 square kilometres.

Tribunal President Graeme Neate said that native title could exist over some national parks and other conservation areas, depending on the relevant state or territory legislation.

'Australia's federal system means there are different laws relating to land in each state and territory. This influences the form and content of native title agreements', he said.

On 17 December 2004, Queensland's first native title agreement without litigation over a national park was achieved outside the court processes.

The Djabugay people were recognised as the native title owners of the 2800 hectare Barron Gorge National Park, located 9 km north-west of Cairns in Queensland's world-renowned wet tropics region. An ILUA was developed to resolve the native title issues.

Shared agreements over the management of national parks can take various forms, ranging from Indigenous people having full control over all decision-making to agreements where management responsibility is assumed through another establishment.

Tribunal member Graham Fletcher said joint management arrangements aimed to protect an area's ecological and biodiversity principles, the cultural heritage and native title rights of Indigenous people and the interests of the wider community.

'A balance is achievable between the values of conservation, the recognition of native title rights and indigenous heritage values and the management role that traditional owners seek', he said.

'Native title rights exist alongside the rights of all Australians without taking those rights away. Parties have no need to fear the loss of existing valid rights by the recognition of native title rights.'

Native title agreements can overcome many legislative complexities, such as that encountered when Australia's largest native title determination was made in 2002.

The Western Desert agreement between the Western Australian State Government, the Martu people and the Ngurrara people, involved a 136,000 square kilometre area, approximately 1000 km north-east of Perth.

As the High Court's 2002 Ward decision meant that native title could not be recognised over the Rudall River National Park, the park was excluded from the agreement.

Despite this, the State Government has continued to negotiate with the Martu people about their involvement in the future management of the national park. ■



The Rudall River National Park over which the Martu people are negotiating joint management arrangements with the State of Western Australia.

WA state manager appointed



Lillian Maher is the Tribunal's new Western Australian state manager and, with extensive experience in native title, Aboriginal heritage and indigenous affairs, she's well prepared for the challenges ahead.

She first joined the Tribunal in 1995 as a senior case manager, having previously graduated from the University of Western Australia with a Graduate Diploma in Anthropology.

She was later seconded as a research fellow to the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) as part of a significant research project into the negotiation and establishment of sustainable regional agreements.

Since 1998 Lillian has worked at the Tribunal in several senior management roles, including Manager of the Claims Management Unit for Western Australia.

Before becoming State Manager, she was appointed as senior project manager to oversee a program aimed at developing and implementing a series of national projects to support the goals and strategies of the Tribunal's Agreement-making Strategy Group.

Lillian brings a wealth of experience, skills, knowledge and a solid network of contacts to the role of WA state manager and is looking forward to the challenges and opportunities of the coming years. ■

INSIDE INFORMATION



The Tribunal's Native TitleVision team (clockwise from top left), Jeff Harris, Steven James, Geospatial Services Manager Peter Bowen, David Llewellyn and Paul Harrison.

Native title viewed on Tribunal geographic system

'A picture is worth a thousand words', said Peter Bowen, manager of Geospatial Services, as he described the Tribunal's new online geographic information system for native title stakeholders, *Native TitleVision*.

'The purpose is to provide consistent information to parties engaged in the process in a form that can be readily understood', he said.

Native TitleVision has been designed to allow clients to enquire about and visualise native title information in any part of Australia. The system provides various map layers, some that can be searched upon and others that provide visual information. Clients can use the system to produce maps depicting the information they've sought.

The Tribunal has been making the system accessible to native title stakeholders since December 2004. Those involved include peak industry bodies, native title representative bodies, various state, territory and federal government agencies and several private sector organisations engaged in the native title process.

Clients can search for applications (claimant, non-claimant and compensation), determination areas, indigenous land use agreements and future act matters. This information forms part of the comprehensive statutory registers and databases that the Tribunal manages.

Clients can also search for details about land tenure (other than freehold), mining and petroleum tenure, administrative regions and some topographic information. This information is sourced from other agencies and its availability varies between jurisdictions.

Requests can be forwarded to the Geospatial Services Manager (geospatial@nntt.gov.au). For further information on *Native TitleVision*, please contact the Tribunal on freecall 1800 640 501. ■

Tribute to future act pioneer



Deputy President of the Tribunal, the Hon. Terry (Edward) Franklyn QC, who worked with the Tribunal for six years, passed away on 28 January 2005.

Mr Franklyn was a part-time deputy president of the Tribunal between December 1998 and December 2004 and was based in the Tribunal's Western Australian Registry in Perth.

Deputy President Christopher Sumner summarised some of Mr Franklyn's achievements at a farewell

function for him on his retirement in December 2004. He said Mr Franklyn had played an invaluable role in the establishment of a considerable body of law and practice surrounding the right to negotiate.

He had done the main test case on the interpretation of the new provisions for the expedited procedure (after the 1998 amendments to the NTA) which was upheld in the Federal Court. He had also played an important role with other members in dealing with expedited procedure inquiries in the Northern Territory after the Territory had decided to use the Commonwealth Right to Negotiate Scheme rather than alternative provisions.

Before being appointed to the Tribunal Mr Franklyn had been a justice of the Supreme Court of Western Australia for fourteen years. Mr Franklyn had practised in a wide range of legal matters in Kalgoorlie and Geraldton before moving to Perth during the nickel boom of the sixties where he built up a significant practice in the law related to mining. He is remembered by employees of the Tribunal as a courteous, kind man and as an astute and mentally agile lawyer and judge by members of the legal profession in WA. ■

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