



WHAT'S NEW IN NATIVE TITLE

November 2015

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1. Case Summaries

***Manado (on behalf of the Bindunbur Native Title Claim Group) v State of Western Australia* [2015] FCA 1415**

2 November 2015, Application to Vacate Hearing Dates, Federal Court of Australia, Melbourne, Victoria, North J

In this matter, North J made orders to cancel the hearing dates fixed for five days commencing 9 November 2015. The hearing was to consider issues relating to the question of the entitlement of the JR (deceased) on behalf of the Goolarabooloo ('the fourth applicant') to join the relevant native title claim. The orders were made for two reasons. Firstly, funding had not been secured for the fourth applicant's legal team for the hearing. Secondly, the fourth applicant may be prejudiced if forced to proceed because the applicant's witnesses would not have sufficient time to prepare supplementary affidavits.

Miller v Northern Territory of Australia [2015] FCA 1286

23 November 2015, Matter Concerning the Applicants, Federal Court of Australia, Darwin, Northern Territory, Mansfield J

In this matter, Mansfield J determined that the proposed consent determination may proceed with the claimant parties as previously identified, the Rumburriya Mararabarna and Wuyaliya Warrgi estate groups. The respondents in this matter were the Northern Territory government, Mallapunyah Springs, Go West Cattle Co, Battlin Cattle Co, Ripple Resources, Armour Energy, and Tamboran (Beetaloo). Mallapunyah Springs, Go West Cattle Co, and Battlin Cattle Co were collectively the Pastoral Lease Respondent. The proposed consent determination covers the area of the Mallapunyah Springs Pastoral Lease.

The decision involved a proposed consent determination that had been sent to the parties for the endorsement of the proposed orders, and all registered parties other than the Pastoral Lease Respondent consented. The Pastoral Lease Respondent indicated that they were not prepared to sign the proposed consent because they did not accept the description of the native title claim group. The Pastoral Lease Respondent asserted that they believed members of the Raggett family were more appropriately recognised as the holders of the native title rights and interests.

The Pastoral Lease Respondent was directed to provide evidence of this assertion so that the matter could be heard. However, the Pastoral Lease Respondent then asserted that they did not intend to participate in any hearing on the issue nor provide any evidence. Mansfield J then went on to examine the native title claimant group. He referred to the original Anthropological Report which indicated that Ronnie Raggett, Freddie Raggett and their children are descendants of the apical ancestor Dulumbangi. The Report also includes a representative biography of Ronnie Raggett Kanjirrijagana which makes reference to his father, Frederick Sony Raggett; further, all of Ronnie's children are recorded as having been born on Mallapunyah Springs. Mansfield J found that the Raggett family is part of the native title claimant group and that native title claim group as originally described in the application does reflect the holders of native title rights and interests in the Mallapunyah Springs Area Lease area, and subsequently that the proposed consent determination may proceed.

Charlie v Northern Territory of Australia [2015] FCA 1237

24 November 2015, Consent Determination and Extinguishment, Federal Court of Australia, Borroloola, Northern Territory, Mansfield J

In this decision, Mansfield J recognised the native title rights and interests of 10 estate groups in relation to land and waters covering approximately 1,948 square kilometres near Borroloola in the Northern Territory. The area covers the entirety of the Pungalina Pastoral Lease. The claim was first filed on 4 December 2013 and

was amended on 28 October 2015. The 10 estate groups (or native title holders) are Jimanyi (Mambaliya), Wandikala (Mambaliya), Kangaroo Creek (Mambaliya), Little Ngalanja (Wurdaliya), Jajinguji (Wurdaliya), Narkuna (Wurdaliya), Walburruku (Wuyaliya), Bawanda (Wuyaliya), Wajalibi (Rrumburriya), and Judijina (Rrumburriya). The respondent parties included the Northern Territory government, Armour Energy Limited, and Australian Wildlife Conservancy.

The non-exclusive native title rights and interests recognised include rights to access the area to live; camp; light fires for domestic purposes; conduct cultural activities; maintain and protect sites of cultural significance; hunt, fish and gather and take natural resources, including natural water, which can be taken from all areas with the exception of Pastoral Lease No. 774.

Members of neighbouring estate groups and spouses of members of estate groups have all rights contained in (a)-(g) except the right to live, and erect shelters and other structures, as well as possessing the rights to conduct activities necessary to give effect to those rights. Native title was found not to exist in parts of the determination area covered by public works such as roads, bores, sewers and electricity transmission lines.

The prescribed body corporate is the Top End (Default PBC/CLA) Aboriginal Corporation RNTBC.

Mansfield J also ordered that to the extent of conflict between native title rights and interests and listed non-native title rights and interests, the non-native title rights and interests will prevail over but will not extinguish the native title rights and interests. Those listed non-native title rights and interests included listed Exploration Licences, Exploration Permits, and the Australian Wildlife Conservancy's Wildlife Sanctuary.

[Peter v Northern Territory of Australia](#) [2015] FCA 1238

24 November 2015, Consent Determination and Extinguishment, Federal Court of Australia, Borroloola, Northern Territory, Mansfield J

In this decision, Mansfield J recognised the native title rights and interests of 13 estate groups in relation to land and waters covering approximately 5,735 square kilometres near Borroloola in the Northern Territory. The area covers the entirety of the Wologorang Pastoral Lease. The claim was first filed on 4 December 2013 and was since amended on 5 November 2015. The 13 estate groups (or native title holders) are Wajalibi (Rrumburriya), Thalmarrurki (Mambaliya), Bujulina (Mambaliya), Julaji (Wurdaliya), Hobblechain Creek (Wurdaliya), Jimanyi (Mambaliya), Camel Creek (Rrumburriya), Lirrijpina (Mambaliya), Gold Creek (Wurdaliya), Jajinguji (Wurdaliya), Kudidiwalia (Wuyaliya), Jungalina (Rrumburriya), Binanda (Wurdaliya). The respondent parties included the Northern Territory government, Armour Energy Limited, and Wologorang Cattle Company.

The non-exclusive native title rights and interests recognised include rights to access the area to live; camp; light fires for domestic purposes; conduct cultural activities; maintain and protect sites of cultural significance; hunt, fish and gather and take natural resources, including natural water, which can be taken from all areas with the exception of Perpetual Pastoral Lease No. 1113.

Members of neighbouring estate groups and spouses of the native title holders have narrower rights than those listed above. Native title was found to be wholly extinguished in parts of the determination area including those covered by government infrastructure, public works, or pastoral improvements.

Mansfield J was satisfied with the scrutiny of the Northern Territory and with the preparation of the Anthropological Report, as well as the formal requirements for a consent determination. Thus, Mansfield J made the orders agreed upon by the parties to recognise native title rights and interests. The prescribed body corporate is the Top End (Default PBC/CLA) Aboriginal Corporation RNTBC.

McDinny v Northern Territory of Australia [2015] FCA 1239

24 November 2015, Consent Determination and Extinguishment, Federal Court of Australia, Borroloola, Northern Territory, Mansfield J

In this decision, Mansfield J recognised the native title rights and interests of 10 estate groups in relation to land and waters covering approximately 1,485 square kilometres near Borroloola in the Northern Territory. The area covers the entirety of the Manangoora Pastoral Lease. The claim was first filed on 20 December 2013 and was amended on 28 October 2015. The estate groups (or native title holders) are Wupunjava-Marrinybul (Mambaliya), Rruwangkala-Wardawardala (Mambaliya), Kalajankku (Mambaliya), Wearyan River (Mambaliya), Poison Creek (Wurdaliya), Fletcher Creek (Wuyaliya), Maruwanmala (Wuyaliya), Wilyurru-Rabunthu (Wuyaliya), Manankurra-Nungkayarrinya (Rrumburriya), and Liwirndindila-Kalalaginda (Wurdaliya). The respondents in this case include the Northern Territory government, Armour Energy Limited, and members of the Anderson family.

The exclusive native title rights and interests recognised include:

- a) except in relation to flowing and subterranean waters, the right to possession, occupation, use and enjoyment of that part of the Determination Area to the exclusion of all others
- b) in relation to flowing and subterranean waters, the right to use those waters including the right to:
 - i) hunt on, gather, and fish from and
 - ii) take and use

the flowing and subterranean waters in accordance with their traditional laws and customs for personal and communal needs of the native title holders which are of a domestic or subsistence nature and not for any commercial or business purpose.

The non-exclusive native title rights and interests recognised include rights to access the area to live; camp; light fires for domestic purposes; conduct cultural activities; maintain and protect sites of cultural significance; hunt, fish and gather and take natural resources, including natural water, which can be taken from all areas with the exception of Perpetual Pastoral Lease No. 685.

Members of neighbouring estate groups and spouses of the native title holders have narrower rights than those listed above. Native title was found not to exist including in areas covered by government infrastructure, public works, or pastoral improvements.

Mansfield J made the orders agreed upon by the parties to recognise native title rights and interests. The prescribed body corporate is the Top End (Default PBC/CLA) Aboriginal Corporation RNTBC.

Rory v Northern Territory of Australia [2015] FCA 1240

24 November 2015, Consent Determination and Extinguishment, Federal Court of Australia, Borroloola, Northern Territory, Mansfield J

In this decision, Mansfield J recognised the native title rights and interests of 6 estate groups in relation to land and waters covering approximately 1,164 square kilometres near Borroloola in the Northern Territory. The area covers the entirety of the Greenbank Pastoral Lease. The claim was first filed on 20 December 2013 and was since amended on 28 October 2015. The 6 estate groups (or native title holders) are Liwirndindila-Kalalaginda (Wurdaliya), Manankurra-Nungkayarrinya (Rrumburriya), Milrila (Mambaliya), Kalajanku (Mambaliya), Balmurrina (Wuyaliya), Kajarrwuja-Landirrina (Rrumburriya). The respondent parties included the Northern Territory government, Armour Energy Limited, and John Henry Keighran.

The exclusive native title rights and interests recognised include:

- a) except in relation to flowing and subterranean waters, the right to possession, occupation, use and enjoyment of that part of the Determination Area to the exclusion of all others
- b) in relation to flowing and subterranean waters, the right to use those waters including the right to:
 - i) hunt on, gather, and fish from and
 - ii) take and use

the flowing and subterranean waters in accordance with their traditional laws and customs for personal and communal needs of the native title holders which are of a domestic or subsistence nature and not for any commercial or business purpose.

The non-exclusive native title rights and interests recognised include rights to access the area to live; camp; light fires for domestic purposes; conduct cultural activities; maintain and protect sites of cultural significance; hunt, fish and gather and take natural resources, including natural water, which can be taken from all areas with the exception of Pastoral Lease No. 684.

Members of neighbouring estate groups and spouses of the Native Title Holders have narrower rights than those listed above. Native Title was found to be wholly extinguished in parts of the determination area including those covered by government infrastructure, public works, or pastoral improvements.

Mansfield J made the orders agreed upon by the parties to recognise native title rights and interests. The prescribed body corporate is the Top End (Default PBC/CLA) Aboriginal Corporation RNTBC.

The [s 47 of the Native Title Act 1993 \(Cth\)](#) applied allowing potential prior extinguishment to be disregarded.

Rory v Northern Territory of Australia [2015] FCA 1241

24 November 2015, Consent Determination and Extinguishment, Federal Court of Australia, Borroloola, Northern Territory, Mansfield J

In this matter, Mansfield J recognised the native title rights and interests of 12 estate groups in relation to land and waters covering approximately 2,299 square kilometres near Borroloola in the Northern Territory. The area covers the entirety of the Seven Emu Pastoral Lease. The claim was first filed on 20 December 2013 and was amended on 28 October 2015. The six estate groups (or native title holders) are Kajarrwuja-Landirrina (Rrumburriya), Windikarri (Mambaliya), Nhamadhanmadhanbiji (Wuyaliya), Janara (Wuyaliya), Waririna (Mambaliya), Rukula (Wurdaliya), Duyurana (Wuyaliya), Bawanda (Wuyaliya), Wajalibi (Rrumburriya), Wandikala (Mambaliya), Jimanyi (Mambaliya), and Ngalanja (Wurdaliya). The respondents in this case included the Northern Territory government, Armour Energy Limited, Francis Thomas Shadforth, and Australian Wildlife Conservancy.

The exclusive native title rights and interests recognised include:

- a) except in relation to flowing and subterranean waters, the right to possession, occupation, use and enjoyment of that part of the Determination Area to the exclusion of all others
- b) in relation to flowing and subterranean waters, the right to use those waters including the right to:

- i) hunt on, gather, and fish from and
- ii) take and use

the flowing and subterranean waters in accordance with their traditional laws and customs for personal and communal needs of the native title holders which are of a domestic or subsistence nature and not for any commercial or business purpose.

The non-exclusive native title rights and interests recognised include rights to access the area to live; camp; light fires for domestic purposes; conduct cultural activities; maintain and protect sites of cultural significance; hunt, fish and gather and take natural resources, including natural water, which can be taken from all areas with the exception of Perpetual Pastoral Lease No. 1215.

Members of neighbouring estate groups and spouses of the native title holders have narrower rights than those listed above. Native title was found to be wholly extinguished in parts of the determination area including those covered by government infrastructure, public works, or pastoral improvements. Where a conflict arises between native title rights and interests and the exercise of other interests on the area, including the Pastoral Lease and a sub-lease to the Australian Wildlife Conservancy, the latter prevail over but do not extinguish the native title rights and interests.

Mansfield J made the orders agreed upon by the parties to recognise native title rights and interests. The prescribed body corporate is the Top End (Default PBC/CLA) Aboriginal Corporation RNTBC.

***Durrayjaba v Northern Territory of Australia* [2015] FCA 1242**

24 November 2015, Consent Determination and Extinguishment, Federal Court of Australia, Borroloola, Northern Territory, Mansfield J

In this matter, Mansfield J recognised the native title rights and interests of six estate groups in relation to land and waters covering approximately 2,344 square kilometres near Borroloola in the Northern Territory. The area covers the entirety of the Spring Creek Pastoral Lease. The claim was first filed on 20 December 2013, and was amended on 28 October 2015. The six estate groups (or native title holders) are Jiningina (Wuyaliya), Garambarini (Wurdaliya), Wearyan (Mambaliya), Mambu (Mambaliya), Mimbiri (Mambaliya), and Fletcher Creek (Wuyaliya). The respondents in this case included the Northern Territory government, Ripple Resources, Armour Energy Limited, and James Mawson and others as holders of the Spring Creek Pastoral Lease.

The exclusive native title rights and interests recognised include:

- a) except in relation to flowing and subterranean waters, the right to possession, occupation, use and enjoyment of that part of the Determination Area to the exclusion of all others
- b) in relation to flowing and subterranean waters, the right to use those waters including the right to:
- c) hunt on, gather, and fish from and
- d) take and use

the flowing and subterranean waters in accordance with their traditional laws and customs for personal and communal needs of the native title holders which are of a domestic or subsistence nature and not for any commercial or business purpose.

The non-exclusive native title rights and interests recognised include rights to access the area to live; camp; light fires for domestic purposes; conduct cultural activities; maintain and protect sites of cultural significance; hunt, fish and gather and take natural resources, including natural water, which can be taken from all areas with the exception of Pastoral Lease No. 687.

Members of neighbouring estate groups and spouses of native title holders have narrower rights than those listed above. Native title was found to be wholly extinguished in areas including those covered by government infrastructure and public works. It was accepted that the exercise of native title rights and interests is partly inconsistent with the Pastoral Lease. Where the two conflict, the rights and interests of the Pastoral Lease prevail over, but do not extinguish, the native title rights and interests. It was also accepted that should the Pastoral Lease or its effects be wholly removed from any portion of the determination area, the native title rights and interests have full effect.

Mansfield J made the orders agreed upon by the parties to recognise native title rights and interests. The prescribed body corporate is the Top End (Default PBC/CLA) Aboriginal Corporation RNTBC.

Jurluba v Northern Territory of Australia [2015] FCA 1248

26 November 2015, Consent Determination, Federal Court of Australia, Borrooloola, Northern Territory, Mansfield J

In this decision, Mansfield J recognised the native title rights and interests of four estate groups in relation to land and waters covering approximately 3,324 square kilometres near Borrooloola in the Northern Territory. The area covers the whole of the Kiana Perpetual Pastoral Lease. The claim as first filed on 4 February 2014 and amended on 28 October 2015. The estate groups (or native title holders) are Galaurruna (Rrumburriya), Puzzle Creek (Mambaliya), Welgutjara (Wuyaliya/Wurdaliya) and Warrgi (Wurdaliya). The respondents in this case include

Northern Territory of Australia, Armour Energy, Ripple Resources, and Oceanic Cattle Stations.

The non-exclusive native title rights and interests recognised include rights to access the area to live; camp; light fires for domestic purposes; conduct cultural activities; maintain and protect sites of cultural significance; hunt, fish and gather and take natural resources, including natural water, which can be taken from all areas with the exception of Perpetual Pastoral Lease No. 1065.

Members of neighbouring estate groups and spouses of the native title holders have narrower rights than those listed above. Native title was found not to exist in areas covered by government infrastructure, public works, or pastoral improvements.

Mansfield J made the orders (agreed upon by the parties) to recognise native title rights and interests. The prescribed body corporate is the Top End (Default PBC/CLA) Aboriginal Corporation RNTBC.

Jack v Northern Territory of Australia [2015] FCA 1250

26 November 2015, Consent Determination, Federal Court of Australia, Borroloola, Northern Territory, Mansfield J

In this decision, Mansfield J recognised the native title rights and interests of eight estate groups in relation to land and waters covering approximately 4,944 square kilometres near Borroloola in the Northern Territory. The area covers the entirety of the Calvert Hills Pastoral Lease. The claim was first filed on 30 July 2014. The estate groups (or native title holders) are Bidida Wuyaliya, Welgutjara Wuyaliya/Wurdaliya, Julaganyi Wurdaliya, Binanda Wurdaliya, Burragalinya Wurdaliya/Wuyaliya, Barrgajina Rrumburriya, Jajinguji Wurdaliya, and Judujina Rrumburriya. The respondents in this case include the Northern Territory government, Armour Energy Limited, Telstra Corporation, and McMillan Pastoral Company.

The non-exclusive native title rights and interests recognised include rights to access the area to live; camp; light fires for domestic purposes; conduct cultural activities; maintain and protect sites of cultural significance; hunt, fish and gather and take natural resources, including natural water, which can be taken from all areas with the exception of Perpetual Pastoral Lease No. 1169.

Members of neighbouring estate groups and spouses of native title holders have narrower rights than those listed above. Native title was found not to exist including in areas covered by government infrastructure, public works, or pastoral improvements.

Mansfield J made the orders agreed upon by the parties to recognise native title rights and interests. The prescribed body corporate is the Top End (Default PBC/CLA) Aboriginal Corporation RNTBC.

Miller v Northern Territory of Australia [2015] FCA 1251

26 November 2015, Consent Determination, Federal Court of Australia, Borroloola, Northern Territory, Mansfield J

In this decision, Mansfield J recognised the native title rights and interests of two estate groups in relation to land and waters covering approximately 4,342 square kilometres near Borroloola in the Northern Territory. The area covers the entirety of the Mallapunyah Springs Pastoral Lease. The claim was first filed on 30 July 2014. The estate groups (or native title holders) are the Rumburriya Mararabarna and Wuyaliya Warrgi estate groups. The respondents in this case include the Northern Territory government, Mallapunyah Springs, Go West Cattle, Battlin Cattle, Ripple Resources, Armour Energy, and Tamboran (Beetaloo).

The non-exclusive native title rights and interests recognised include rights to access the area to live; camp; light fires for domestic purposes; conduct cultural activities; maintain and protect sites of cultural significance; hunt, fish and gather and take natural resources, including natural water, which can be taken from all areas with the exception of Perpetual Pastoral Lease No. 1075.

Members of neighbouring estate groups and spouses of native title holders have narrower rights than those listed above. Native title was found not to exist including in areas covered by government infrastructure, public works, or pastoral improvements.

Mansfield J made the orders agreed upon by the parties to recognise native title rights and interests. The prescribed body corporate is the Top End (Default PBC/CLA) Aboriginal Corporation RNTBC.

Green v Northern Territory of Australia [2015] FCA 1252

26 November 2015, Consent Determination, Federal Court of Australia, Borroloola, Northern Territory, Mansfield J

In this decision, Mansfield J recognised the native title rights and interests of five estate groups in relation to land and waters covering approximately 3,577 square kilometres south of Borroloola in the Northern Territory. The area covers the entirety of the Walhallow Pastoral Lease. The claim was first filed on 30 July 2014. The estate groups (or native title holders) are the Wurdaliya Muwartpi/Lija, Rumburriya Mararabarna, Mambaliya Puzzle Creek, Mambaliya Karrkarrkuwaja and Wuyaliya Warrgi estate groups. The respondents in this case include the Northern Territory government, Armour Energy, and Paraway Pastoral Company.

The non-exclusive native title rights and interests recognised include rights to access the area to live; camp; light fires for domestic purposes; conduct cultural activities; maintain and protect sites of cultural significance; hunt, fish and gather and take

natural resources, including natural water, which can be taken from all areas with the exception of Perpetual Pastoral Lease No. 1015.

Members of neighbouring estate groups and spouses of the native title holders have narrower rights than those listed above. Native title was found not to exist in areas covered by government infrastructure, public works, or pastoral improvements.

Mansfield J made the orders agreed upon by the parties to recognise native title rights and interests. The prescribed body corporate is the Top End (Default PBC/CLA) Aboriginal Corporation RNTBC.

Leedham Papertalk on behalf of the Mullewa Wadjari people v State of Western Australia [2015] FCA 1342

27 November 2015, Case management hearing, Federal Court of Australia, Perth, Western Australia, Barker J

In this matter, Barker J gave directions for the matter to proceed through negotiations and to a hearing should negotiations be unsuccessful. The hearing involved five separate claim groups seeking native title rights and interests in the Geraldton region in the mid-west of Western Australia. The respondent was the State of Western Australia.

The case involved a number of claimant applications which have the potential to create disagreement between the groups as to who are the right people for country. An investigation into the history of tenure in the region has begun to determine whether freehold title has been granted, or any other interests which may have extinguished native title rights and interests.

Barker J directed that the parties should proceed in two stages. The first is mediation to resolve overlapping claims. The second is considering alternative settlement proposals and exploring the possibility of reaching agreement with the State. Barker J directed that should these processes be unsuccessful, the matters will have to proceed to a trial. Should the matter proceed to trial, the overlapping and non-overlapping areas will be separated and considered separately.

Smith on behalf of the Balanggarra People (Balanggarra #4) v State of Western Australia [2015] FCA 1334

27 November 2015, Consent Determination, Federal Court of Australia, Perth, Western Australia, Barker J

In this matter, Barker J recognised the native title rights and interests of the Balanggarra People in relation to land and waters covering approximately 43.1 square kilometres near the Shire of Wyndham East Kimberley, Western Australia.

The claim was first filed on 29 May 2013. The respondents in this case were the West Australian government.

Exclusive native title rights and interests are recognised in areas including Adolphus Island above the high water mark.

Non-exclusive native title rights and interests are recognised in relation to the intertidal area and include the right to:

- a) enter, travel over and remain on the area
- b) camp on the area including erecting shelters and other structures for that purpose
- c) hunt, fish, gather and use (including by way of sharing or exchange) the resources of the area for personal, domestic and communal needs including, but not limited to, cultural or spiritual needs but not for commercial purposes as in accordance with paragraph 7 (a)(ii)
- d) light fires for domestic purposes
- e) take and use water from the area
- f) engage in cultural activities on the area including:
 - i) visiting places of cultural or spiritual importance and protecting those places by carrying out lawful activities to preserve their physical or spiritual integrity
 - ii) conducting and participating in ritual and
 - iii) passing on knowledge about the physical and spiritual attributes of the determination area and areas of importance on or in the determination area.

Barker J ruled that s 47B of the *Native Title Act 1993* (Cth) applied to the intertidal areas. The prescribed body corporate (PBC) is the Balangarra Aboriginal Corporation.

Western Desert Lands Aboriginal Corporation on behalf of its members v Chad Graeme Johnson, Neale Graeme Johnson [2015] NNTTA 53

17 November 2015, An Inquiry into Expedited Procedure Objection Application, Native Title Tribunal, Brisbane, Queensland, J McNamara, Member

In this matter, the National Native Title Tribunal (NNTT) determined that the expedited procedure application objection should be dismissed in accordance with [s148\(b\) of the Native Title Act 1993 \(Cth\)](#) (NTA). The claimant party was the Western Desert Lands Aboriginal Corporation (WDLAC). The respondents to the claim were Chad Graeme Johnson and Neale Graeme Johnson. The proposed license is completely covered by two native title determinations managed by the Western Desert Lands Aboriginal Corporation.

The State Government of Western Australia gave notice under [s 29 of the NTA](#) of its intention to grant an exploration license on 1 May 2015 without requiring negotiation with the WDLAC. WDLAC lodged an objection to the expedited procedure on 26 June 2015. Member Helen Shurven then made directions requiring all parties to produce contentions and evidence to conduct an inquiry. WDLAC were specifically directed to produce contentions, documentary evidence and witness statements accompanied by affidavits on or before 27 October 2015. On 28 October 2015, the State requested the NNTT to dismiss the objection. Both parties were then given until 3 November to respond to the request for dismissal. No response was received from either party.

The NNTT then followed the principles provided in [Teelow v Page \[2001\] NNTTA 107](#), including that the NNTT is required to proceed as expeditiously as possible when conducting an inquiry into an expedited procedure objection. No response was received from either party as to why the objection should not be dismissed, nor were reasons for non-compliance, or a request for extension received. The NNTT ruled that WDLAC had been given 'sufficient opportunity' to comply with the directions of Member Shurven, and that it would be unfair to prejudice the other parties with further delays. The NNTT dismissed the expedited procedure objection.

[Ngarluma Aboriginal Corporation v Johanna Pullman, Steven Taiamoni \[2015\] NNTTA 55](#)

20 November 2015, An Inquiry into Expedited Procedure Objection Application, National Native Title Tribunal, Brisbane, Queensland, J McNamara, Member

In this matter, the NNTT dismissed an objection lodged by the Ngarluma Aboriginal Corporation against an expedited procedure application in accordance with [s 148\(b\) of the Native Title Act 1993 \(Cth\)](#) (NTA). The Native Title determination area overlaps the proposed prospecting license by 100 per cent. On 2 April 2015, the State Government of Western Australia gave notice under [s 29 of the NTA](#) of its intention to grant a prospecting license to Ms Pullmans and Mr Taiamoni without negotiating with the Ngarluma Aboriginal Corporation.

In order to proceed to an inquiry, Member Shurven directed Ngarluma to provide contentions, documentary evidence and witness statements. The NNTT also granted a four week extension for the provision of these. No contentions or evidence were received from the Ngarluma Aboriginal Corporation by the required date, 6 November 2015 and no response was received to a request to dismiss the claim. The court followed [Teelow v Page \[2001\] NNTTA 107](#), which provides that the NNTT is required to proceed as expeditiously as possible when conducting an inquiry into an expedited procedure application. The NNTT ruled that the Ngarluma Aboriginal Corporation had been given sufficient opportunity to comply with directions and it would be unfair to prejudice the other parties with further delays.

[Raymond William Ashwin \(dec\) & Ors on behalf of the Wutha People v Colin Robert Neve \[2015\] NNTTA 54](#)

20 November 2015, An Inquiry into Expedited Procedure Objection Application, National Native Title Tribunal, Brisbane, Queensland, J McNamara, Member

In this matter, the National Native Title Tribunal (NNTT) dismissed an objection lodged by the Wutha People against an expedited procedure application in accordance with [s 148\(b\) of the Native Title Act 1993 \(Cth\)](#) ('the NTA'). The native title determination area overlaps the proposed prospecting license by 100 per cent. On 22 April 2015, the State Government of Western Australia gave notice under [s 29 of the NTA](#) of its intention to grant a prospecting license to Colin Robert Neve without negotiating with the Wutha People.

In order to proceed to an inquiry, Member Shurven directed the Wutha People to provide contentions, documentary evidence and witness statements. No contentions or evidence were received from the Wutha People by the required date, 26 October 2015 and no response was received to a request to dismiss the claim. The court followed [Teelow v Page \[2001\] NNTTA 107](#), which provides that the NNTT is required to proceed as expeditiously as possible when conducting an inquiry into an expedited procedure application. The NNTT ruled that the Wutha People had been given sufficient opportunity to comply with directions and it would be unfair to prejudice the other parties with further delays.

2. Legislation

Commonwealth

[Aboriginal Land Rights \(Northern Territory\) Amendment Bill 2015](#)

Status: This bill was introduced to the House of Representatives on 24 June 2015 with the second reading and passing of the bill occurring on 24 November 2015. The bill was introduced to the Senate on 25 November and passed on 26 November 2015. The bill is now awaiting Assent.

Stated purpose: The purpose of this bill is to empower Indigenous landowners and community members with localised decision making about their land. It also enables Indigenous communities to greater capitalise on economic development opportunities.

Land rights implications: The bill makes four amendments to the [Aboriginal Land Rights Act 1976 \(Cth\)](#). The first amendment is a provision allowing the Executive Director of Township Leasing to hold a sublease of a parcel of Aboriginal land. The Executive Director may transfer this sublease to Aboriginal and Torres Strait Islander corporations and vice versa. The bill also allows the Minister to direct funds from the Aboriginal Benefit Account toward acquisition and administration of subleases held

by Aboriginal Corporations, or toward transfer of subleases back to the Executive Director.

Secondly, the bill allows for greater delegation of functions and power of Land Councils to Aboriginal and Torres Strait Islander Corporations. The bill also removes the Minister's ability to override a Land Council decision not to delegate powers or functions, and restrictions placed upon Land Councils exercising their functions or powers once delegated.

The bill also allows for the Minister for Indigenous Affairs to vary Land Council areas at the written request of the relevant Land Councils. Lastly, the bill adds parcels of land in the Wickham River area, in the Simpson Desert, and in Vernon Islands to [Schedule 1 of the *Land Rights Act*](#). This will enable these parcels of land to be granted as Aboriginal land to the relevant Aboriginal Land Trusts.

For more information please see the [Second Reading Speech](#) or the [Explanatory Memorandum](#).

New South Wales

[Fisheries Management Bill 2015](#)

Status: This bill received Royal Assent on 24/11/2015 and has now amended the *Fisheries Management Act 1994*.

Stated purpose: The purpose of the amendments was to change fisheries management.

Native title implications: The amendments relate to the creation of the Aboriginal Fishing Trust Fund, Aboriginal Cultural Fishing, possession limits, and advisory committees. For a full summary of the amendments please see the [October What's New](#).

Northern Territory

[North East Gas Interconnector Pipeline \(Special Provisions\) Bill 2015](#)

Status: This bill was introduced into the Legislative Assembly on 19 November 2015 and the Second Reading Speech occurred on the same day.

Stated purpose: The purpose of this bill is to facilitate the creation of the North East Gas Interconnector Pipeline which is intended to connect the Northern Territory gas pipeline network with the Eastern States gas pipeline network. The Pipeline will be a significant infrastructure project to increase the capacity of onshore and offshore gas developments.

Native title implications: Under this bill the Transport Minister may authorise construction of pipeline that is wholly or partly in, under, or across a road, or across a

waterway with specific conditions. Failure by the construction company to comply with conditions imposed by the Minister could result in the issue of an injunction or the company being liable for damages.

Where construction is to be carried out in proximity to sacred sites, an Authority Certificate (under section 3 of the *Northern Territory Aboriginal Sites Act*) needs to be obtained by a project participant and is transferable to another project participant.

Please see the [Second Reading Speech](#) and [Explanatory Statement](#) here by scrolling to the bottom of the web page and viewing the tabs.

Queensland

[Planning Bill 2015](#)

Status: This bill was introduced to the Assembly on 12 November 2015.

Stated purpose: The purpose of this bill is to streamline State and local planning instruments and the legislative planning scheme.

Native title implications: Native title bodies may have to conform to the new planning scheme when carrying out activities on their land. Further, this act may affect the planning of future acts. The Act states that any entity performing a function under the Act must advance the purpose of the Act. These purposes include 'valuing, protecting and promoting Aboriginal and Torres Strait Island knowledge, culture and tradition,' 'conserving places of cultural heritage significance,' and the promotion of sustainable resource use.

Please see the [Explanatory Speech](#) and [Explanatory Notes](#) for more information.

[Planning \(Consequential\) and Other Legislation Amendment Bill 2015](#)

Status: This bill was introduced to the Assembly on 12 November 2015.

Stated purpose: This bill contains amendments to 68 existing Acts to streamline the Queensland Planning framework. The bill largely refers other Acts to the *Planning Act 2015* and its planning scheme so that all other legislative planning schemes now refer to the *Planning Act 2015* for classification and planning processes.

Native title implications: The activities permitted under this bill could constitute future acts.

Please see the [Explanatory Speech](#) and [Explanatory Notes](#) for more information.

[Water Legislation Amendment Bill 2015](#)

Status: This bill was introduced to the Assembly on 10 November 2015.

Stated purpose: This bill is to amend the *River Improvement Trust Act 1940*, *Water Act 2000*, and the *Water Reform and Other Legislation Amendment Act 2014* to address water resource management.

Native title implications: These amendments may impact native title through the water resource management schemes provided for in this Act. Sustainable management is defined to include the recognition of the interests of Aboriginal people and Torres Strait Islanders and their connection with water resources, and facilitation of the community taking an active part in planning for the management and allocation of water. Implications are two-fold – they may result in management authorities carrying out works on native title lands, or they may allow the involvement of Aboriginal and Torres Strait Islander Peoples in water resource management.

Please see the [Explanatory Speech](#) and [Explanatory Notes](#) for more information.

Victoria

[Fisheries Amendment Bill 2015](#)

Status: This Act amends the [Fisheries Act 1995](#). The Fisheries Amendment Bill 2015 was introduced to the Legislative Assembly on 22 October 2015 with the Second Reading Speech taking place on 12 November 2015. The Bill is awaiting assent.

Stated purpose: This bill's primary purpose is to phase out commercial net fishing in Port Phillip Bay in order to increase recreational fishing. The bill was introduced to the Legislative Council on 12 November 2015 and was passed on 24 November 2015.

Native title implications: It also provides several options for current licence holders. Current licence holders may surrender their licence and receive compensation, or may elect to convert their licence, at the discretion of the Secretary, to a non-net licence.

Indigenous groups with native title claims over the Port Phillip Bay area should be aware of these changes, and expect an increase in recreational fishing in the area. They should particularly be aware of the law prohibiting commercial net fishing and be aware of their rights and interests under [s 211 of the Native Title Act 1993 \(Cth\)](#).

For further information please see the [Explanatory Memorandum](#) and [Second Reading Speech](#).

[Aboriginal Heritage Amendment Bill 2015](#)

Status: This bill was introduced on 10 November 2015 and the Second Reading Speech occurred on 11 November 2015.

Stated purpose: The purpose is to amend the [Aboriginal Heritage Act 2006](#) to improve reporting requirements in relation to Aboriginal cultural heritage, to introduce provisions regarding Aboriginal intangible heritage, and to establish an Aboriginal Cultural Heritage Fund. The bill includes hundreds of amendments with five broad aims. These are to increase Aboriginal self-determination, make improvements for history, improve Aboriginal cultural heritage management and protection, improve enforcement and compliance, and increase focus on Aboriginal intangible heritage.

Native title implications: Many definitions and terms are amended by this bill to bring them closer in line with Aboriginal conceptions and common use and understanding of those terms.

Aboriginal parties will be given the power to evaluate cultural heritage permit applications. Public institutions such as museums and universities will have to declare to the Victorian Aboriginal Heritage Council what ancestral remains they possess and the Council will be in control of determining what happens to those ancestral remains. To protect sites, Aboriginal heritage officers will be empowered to stop works for 24 hours if they believe an offence has occurred or is likely to occur.

The bill clarifies for industry when a cultural heritage management plan is required, and allows for the creation of an Aboriginal advisory group where there is no registered Aboriginal party to consult with. To increase the deterrent effect of offence provisions and to enable greater enforceability, a new strict liability offence will be introduced. It will also now be an offence to commence an activity without a management plan where one was required, to fail to comply with a management plan, to misuse information obtained from the Aboriginal Heritage Register, or to fail to report ancestral remains to the Council.

Lastly, the bill increases focus on intangible Aboriginal cultural heritage. The bill recognises that intangible heritage is not adequately protected. The bill allows for registered Aboriginal parties or Traditional Owners to nominate particular intangible heritage for registration. Once registered, anyone wishing to use that intangible heritage for their own purpose will require a formal agreement with the relevant traditional owner organisation.

For further information see the [Explanatory Memorandum](#) or [Second Reading Speech](#).

Western Australia

[Land Administration \(South West Native Title Settlement Bill\) 2015](#)

Status: This bill was first introduced to the Legislative Assembly on 25 November 2015 and the Second Reading Speech occurred on the same day.

Stated purpose: This bill provides for the implementation of certain provision of the native title settlement reached between the State and Noongar people in the south west of the State.

Native title implications: The passage of this bill is a precondition to the commencement of the settlement under 6 indigenous land use agreements (ILUAs) entered into with the Noongar people. These ILUAs provide a comprehensive package of benefits to the Noongar people as compensation for the surrender, loss, or impairment of any native title rights and interests in relation to land and water in the south west. In particular, the bill provides for the implementation of the Land Base Strategy for the establishment of the Noongar Land Estate, and for the grant of land access licences.

The Noongar Land Estate is allocated to the Noongar Boodja Trust to be held in trust for the Noongar people. This will include up to 20,000 hectares of freehold land and up to 300,000 hectares of Crown land. Land access licences will be granted to the six Regional Corporations that are to be established to represent the relevant Noongar people under each settlement ILUA. The access licences will allow those people to access and undertake customary activities on certain unallocated Crown land and unmanaged reserves.

For further information see the [Explanatory Memorandum](#).

[Biodiversity Conservation Bill 2015](#)

Status: This bill was introduced to the Legislative Assembly on 25 November 2015 and the Second Reading Speech occurred on the same day.

Stated purpose: This purpose of this Act is to provide for the conservation and protection of biodiversity and biodiversity components, and the ecologically sustainable use of biodiversity components in Western Australia. This Act repeals the *Wildlife Conservation Act 1950* and *Sandalwood Act 1929*, and includes consequential amendments to other Acts.

Native title implications:

This Act will not affect the operation of the CALM Act and applies only to non-CALM Act land. The bill provides a defence for Aboriginal people against the prohibition on taking or disturbing flora or fauna if such a taking is for a customary purpose. If the offence is alleged to have been committed on exclusive native title land, the person must have either held the exclusive native title or had permission of the exclusive native title holder of the area. If the act done was inconsistent with the continued existence, enjoyment, or exercise of any native title rights and interests held by another person, the defence does not apply unless the person did the act to obtain fauna or flora sufficient only for food for themselves and their family but not for sale.

Further, fauna may be possessed by an Aboriginal person for an Aboriginal customary purpose. However, the sale of either fauna or flora is prohibited unless

the regulations ([see s 186](#)) are met. In relation to permission, an exclusive native title holder may give permission for the taking or disturbance of fauna, and does not commit an offence in doing so.

The Bill also places restrictions on the taking of sandalwood. Sandalwood may not be taken without lawful authority to do so. The bill provides that being an owner or occupier, or having the consent of an owner or occupier, of land is not lawful authority to take sandalwood. The bill provides that the Minister may fix the maximum quantity of sandalwood that can be taken in a specified period or part of the specified period; however this provision does not relate to cultivated sandalwood. The Minister may decide if the limit applies to sandalwood of a specified kind or that taken in specified circumstances (see [s 187](#)).

The bill also has provisions relating to owners and occupiers placing duties on both the Minister and owners and occupiers in relation to flora and fauna. The Minister's obligations include notifying owners and occupiers of the existence of and providing information about threatened species or ecological communities. The owner or occupier may in certain circumstances [see s 53(2)(c)] be obliged to inform other persons of the presence of the relevant species or community on their land. They may also have to ensure that habitat damage does not occur on their land, in the circumstances listed in [s 59](#). When preparing a draft recovery plan to aid in species or habitat recovery, the owner or occupier must be consulted. The Minister may enter a biodiversity conservation agreement with an owner or occupier of land which may among other things restricts access or activities which can be carried out on the land (see [s 115](#) for more information). For a discussion about whether native title holders are considered to be an owner or occupier please refer to [page 18 – Managing Weeds on Native Title Lands: Workshop Report Broome WA 26-27 October 2011](#).

For further information see the [Explanatory Memorandum](#).

3. Native Title Determinations

In November 2015, the NNTT website listed 14 native title determinations.

Short Name (NNTT)	Case Name	Date (NNTT)	State	Outcome	Legal Process	Type	RNTBC/PBC
Gilnockie Pastoral Lease	Largut v Northern Territory of Australia	27/11/2015	NT	Native title exists in parts of the determination area	Consent	Claimant	Top End (Default PBC/CLA) Aboriginal Corporation RNTBC
Banjo Pastoral Lease	Brown v Northern Territory of Australia	27/11/2015	NT	Native title exists in parts of the determination area	Consent	Claimant	Top End (Default PBC/CLA) Aboriginal Corporation RNTBC

Short Name (NNTT)	Case Name	Date (NNTT)	State	Outcome	Legal Process	Type	RNTBC/PBC
Balanggarra #4	<u>Smith on behalf of the Balanggarra People (Balanggarra #4) v State of Western Australia</u>	27/11/2015	WA	Native title exists in parts of the determination area	Consent	Claimant	Balanggarra Aboriginal Corporation RNTBC
Kiana Pastoral Lease	<u>Jurluba v Northern Territory of Australia</u>	26/11/2015	NT	Native title exists in parts of the determination area	Consent	Claimant	Top End (Default PBC/CLA) Aboriginal Corporation RNTBC
McArthur River Pastoral Lease	<u>Ngajapa v Northern Territory of Australia</u>	26/11/2015	NT	Native title exists in parts of the determination area	Consent	Claimant	Top End (Default PBC/CLA) Aboriginal Corporation RNTBC
Calvert Hills Pastoral Lease	<u>Jack v Northern Territory of Australia</u>	26/11/2015	NT	Native title exists in parts of the determination area	Consent	Claimant	Top End (Default PBC/CLA) Aboriginal Corporation RNTBC
Mallapunyah Springs Pastoral Lease	<u>Miller v Northern Territory</u>	26/11/2015	NT	Native title exists in parts of the determination area	Consent	Claimant	Not Registered
Walhallow Pastoral Lease	<u>Green v Northern Territory of Australia</u>	26/11/2015	NT	Native title exists in parts of the determination area	Consent	Claimant	Top End (Default PBC/CLA) Aboriginal Corporation RNTBC
Spring Creek Pastoral Lease	<u>Durrayjaba v Northern Territory of Australia</u>	24/11/2015	NT	Native title exists in parts of the determination area	Consent	Claimant	Top End (Default PBC/CLA) Aboriginal Corporation RNTBC
Pungalina Pastoral Lease	<u>Charlie v Northern Territory of Australia</u>	24/11/2015	NT	Native title exists in parts of the determination area	Consent	Claimant	Top End (Default PBC/CLA) Aboriginal Corporation RNTBC
Wollogorang Pastoral Lease	<u>Peter v Northern Territory of Australia</u>	24/11/2015	NT	Native title exists in parts of the determination area	Consent	Claimant	Top End (Default PBC/CLA) Aboriginal Corporation RNTBC

Short Name (NNTT)	Case Name	Date (NNTT)	State	Outcome	Legal Process	Type	RNTBC/PBC
Seven Emu Pastoral Lease	Rory v Northern Territory of Australia	24/11/2015	NT	Native title exists in parts of the determination area	Consent	Claimant	Top End (Default PBC/CLA) Aboriginal Corporation RNTBC
Greenbank Pastoral Lease	Rory v Northern Territory of Australia	24/11/2015	NT	Native title exists in parts of the determination area	Consent	Claimant	Top End (Default PBC/CLA) Aboriginal Corporation RNTBC
Manangoora Pastoral Lease	McDinny v Northern Territory of Australia	24/11/2015	NT	Native title exists in parts of the determination area	Consent	Claimant	Top End (Default PBC/CLA) Aboriginal Corporation RNTBC

4. Registered Native Title Bodies Corporate & Prescribed Bodies Corporate

The [Native Title Research Unit](#) within AIATSIS maintains a [RNTBC summary document](#) which provides details about RNTBCs and PBCs in each state/territory including the RNTBC name, RNTBC type (agent or trustee) and relevant native title determination information. The statistics for RNTBCs as of 24 November 2015 can be found in the table below.

Information on RNTBCs and PBCs including training and support, news and events, research and publications and external links can be found at [nativetitle.org.au](#). For a detailed summary of individual RNTBCs and PBCs see [PBC Profiles](#).

Additional information about RNTBCs and PBCs can be accessed through hyperlinks to corporation information on the [Office of the Registrar of Indigenous Corporations \(ORIC\) website](#); case law on the [Austlii website](#); and native title determination information on the [NNTT](#) and [ATNS](#) websites.

Table 1: National Registered Native Title Bodies Corporate (RNTBCs) Statistics (24 November 2015)

State/Territory	RNTBCs	No. of successful (& conditional) claimant determinations for which RNTBC to be advised
Australian Capital Territory	0	0
New South Wales	6	0

State/Territory	RNTBCs	No. of successful (& conditional) claimant determinations for which RNTBC to be advised
Northern Territory	19	39
Queensland	70	5
South Australia	14	0
Tasmania	0	0
Victoria	4	0
Western Australia	34	2
NATIONAL TOTAL	147	46

Note some RNTBCs relate to more than one native title determination and some determinations result in more than one RNTBC. Where a RNTBC operates for more than one determination it is only counted once, as it is one organisation.

Source: <http://www.nntt.gov.au/searchRegApps/NativeTitleClaims/Pages/default.aspx> and Registered Determinations of Native Title and RNTBCs as at 24 November 2015.

5. Indigenous Land Use Agreements

In November 2015, 20 ILUAs were registered with the National Native Title Tribunal.

Registration date	Name	Tribunal file no.	Type	State or Territory	Subject matter
23/11/2015	Budjiti People/ Boodgherree ILUA	QI2015/024	Area Agreement	QLD	Pastoral, Access
23/11/2015	Budjiti People/Bulloo Downs ILUA	QI2015/025	Area Agreement	QLD	Pastoral, Access
23/11/2015	Budjiti People/Bundoona ILUA	QI2015/027	Area Agreement	QLD	Pastoral, Access
23/11/2015	Budjiti People/Dynevor ILUA	QI2015/028	Area Agreement	QLD	Pastoral, Access
23/11/2015	Budjiti People/Humeburn ILUA	QI2015/029	Area Agreement	QLD	Pastoral, Access
23/11/2015	Budjiti People/Jandell and Kyeenee ILUA	QI2015/030	Area Agreement	QLD	Pastoral, Access

Registration date	Name	Tribunal file no.	Type	State or Territory	Subject matter
23/11/2015	<u>Budjiti People/Wathopa ILUA</u>	QI2015/031	Area Agreement	QLD	Pastoral, Access
23/11/2015	<u>Budjiti People/Kilcowera and Zenoni ILUA</u>	QI2015/032	Area Agreement	QLD	Pastoral, Access
23/11/2015	<u>Budjiti People/Wiralla ILUA</u>	QI2015/033	Area Agreement	QLD	Pastoral, Access
23/11/2015	<u>Budjiti People/Moombidary ILUA</u>	QI2015/034	Area Agreement	QLD	Pastoral, Access
23/11/2015	<u>Budjiti People/Wombula and Yenloora ILUA</u>	QI2015/035	Area Agreement	QLD	Pastoral, Access
23/11/2015	<u>Budjiti People/Thargo ILUA</u>	QI2015/036	Area Agreement	QLD	Pastoral, Access
23/11/2015	<u>Budjiti People/Yakara ILUA</u>	QI2015/037	Area Agreement	QLD	Pastoral, Access
23/11/2015	<u>Budjiti People/Merimo ILUA</u>	QI2015/038	Area Agreement	QLD	Pastoral, Access
13/11/2015	<u>Boonthamurra People and Local Government ILUA</u>	QI2015/021	Area Agreement	QLD	Government, Tenure resolution
09/11/2015	<u>Ergon Energy and Boonthamurra People ILUA</u>	QI2015/019	Area Agreement	QLD	Energy, Infrastructure
06/11/2015	<u>Arrow Darumbal LNG Project ILUA No. 2</u>	QI2015/018	Area Agreement	QLD	Gas, Exploration, Infrastructure, Petroleum/Gas
06/11/2015	<u>Ergon Energy and Budjiti People ILUA</u>	QI2015/022	Area Agreement	QLD	Energy, Infrastructure
06/11/2015	<u>Budjiti People and Local Government ILUA</u>	QI2015/023	Area Agreement	QLD	Government, Tenure resolution
06/11/2015	<u>Cape Preston Project Deed (YM Mardie ILUA)</u>	WI2015/003	Area Agreement	WA	Access

For more information about ILUAs, see the [NNTT website](#) and the [ATNS Database](#).

6. Future Acts Determinations

In November 2015, 3 Future Acts Determinations were handed down.

Determination date	Parties	Tribunal file no.	State or Territory	Decision/ Determination
20/11/2015	<u>Ngarluma Aboriginal Corporation (native title party)</u> -and- <u>The State of Western Australia (Government party)</u> -and- <u>Johanna Pullman, Steven Taiaoni (grantee party)</u>	WO2015/0629	WA	Objection – Dismissed
20/11/2015	<u>Raymond William Ashwin (dec) & Ors on behalf of the Wutha People (native title party)</u> -and- <u>The State of Western Australia (Government party)</u> -and- <u>Colin Robert Neve (grantee party)</u>	WO2015/0461	WA	Objection – Dismissed
17/11/2015	<u>Western Desert Lands Aboriginal Corporation (native title party)</u> -and- <u>The State of Western Australia (Government party)</u> -and- <u>Chad Graeme Johnson, Neale Graeme Johnson (grantee party)</u>	WO2015/0555	WA	Objection – Dismissed

7. Native Title in the News

The [Native Title Research Unit](#) with AIATSIS publishes the [Native Title in the News](#) which contains summaries of newspaper articles and media releases relevant to the native title sector.

8. Related Publications

Publications

Yamatji Marlpa Aboriginal Corporation

Celebrating 20 Years of YMAC – Looking after Country: Our Mother, Our Provider and Keeper

The Yamatji Marlpa Aboriginal Corporation has released their *Celebrating 20 Years of YMAC – Looking after Country: Our Mother, Our Provider and Keeper*. It is now available for download.

For further information, [please visit the YMAC website](#)

Media Releases, News Broadcasts and Podcasts

Cape York Land Council

The United Cape York Claim – the Facts!

A letter outlining the background of the ‘single native title claim’ has been addressed to the traditional owners of Cape York. It happens that the Cape York Land Council lodged the claim on 11 December 2014 in the Federal Court, and it was registered as “Cape York United Number 1 Claim,” with the National Native Title Tribunal.

For further information, [please visit the CYLC website](#)

Central Land Council

Tjuwanpa Rangers celebrate their 10th birthday

On Tuesday December 1, the Tjuwanpa Rangers will celebrate ten years of working on country at a ceremony at their Ntaria (Hermannsburg) office. This is one of the longest running ranger groups in the Central Land Council's Ranger Program.

The Tjuwanpa Rangers operate on Western Arrernte country and they work under the guidance of traditional owners, where they undertake a range of land management activities at the Finke Gorge and West MacDonnell National Parks.

For further information, [please visit the CLC website](#)

Australia owes traditional owners for their successful campaign to protect Watarranka

On the evening of 24 November traditional owners celebrated a well-deserved victory to save Watarrka (Kings Canyon) National Park from mining oil and gas. The Central Land Council has supported the traditional owner's opposition to Palatine Energy's application, and endorsed the engagement of the Environmental Defenders Office to make a last minute application to protect their country in accordance with federal heritage laws.

For further information, [please visit the CLC website](#)

Watarranka mining: NT Chief Minister's divide-and-rule manoeuvre won't fool anyone

The Federal Environment Minister Greg Hunt has received an emergency application from traditional owners for the protection of Wattarranka national park from oil and gas exploration and mining. Adam Giles, the Chief Minister of the Northern Territory, has responded stating he would seek advice from the Aboriginal Areas Protection Authority (AAPA). Mr Ross from the Central Land Council said, that ‘it's the CLC that represents Aboriginal people under the NT Parks Act and has a duty under the

Aboriginal Land Rights Act to express the wishes of Aboriginal people in the region more broadly.'

For further information, [please visit the CLC website](#)

Wattaranka National Park is the first test of new NT oil and gas policy

On the 24 November the traditional owners of the Wattaranka National Park lodged an emergency application with the Commonwealth Environment Minister Greg Hunt following a long battle against oil, gas in their park. In addition Central Land Council's chairman, David Ross has requested that the Northern Territory Chief Minister Adam Giles to 'urgently clarify whether exploration and mining in Watarrka (Kings Canyon) National Park would be allowed under the NT's new oil and gas policy'.

For further information, [please visit the CLC website](#)

CLC to consult neighbours of shortlisted nuclear waste site

The Central Land Council (CLC) plans to consult Aboriginal communities living on the Mpewelarre Aboriginal Land Trust in relation to a proposed nuclear waste dump. The CLC is 'currently preparing information materials while seeking details about the proposal, the process and the compensation package for local projects.'

For further information, [please visit the CLC website](#)

Central Land Council and Northern Land Council

Land Councils urge Senate support for positive Land Rights Act amendments

The Northern and Central Land Council have endorsed the Federal Government's proposal for significant amendments to the Aboriginal Land Rights Act (ALRA) which will allow for 'some of the land council's functions to be delegated to Aboriginal corporations.' The amendments will ensure that any potential delegation to an Aboriginal corporation occurs with traditional owner consent, and the cooperation of the land council.

For further information, [please visit the NLC website](#); and the [CLC website](#)

Minister for Indigenous Affairs

Minister Scullion: Minister addresses 111th NLC meeting

On the 20 November 2015, Nigel Scullion, Minister for Indigenous Affairs addressed the 111th Full Council meeting of the Northern Land Council held at Gulkula in north-east Arnhem Land. Minister Cullion said 'today's meeting was a chance for me to address Council members' issues including this Government's commitment to settle the Kenbi and Wickham River land claims.'

For further information, [please visit the Australian Government website](#)

Minister Scullion: New leaders for NSW Aboriginal Land Council

Minister for Indigenous Affairs, Nigel Scullion, has announced Councillor Roy Ah-See as Chair and Councillor Anne Dennis as Deputy Chair of the NSW Aboriginal Land Council. Minister Scullion said ‘the NSW Aboriginal Land Council plays an important role assisting Aboriginal people to protect their interests and further their aspirations. Councillors Ah-See and Dennis bring a deep understanding of the issues faced by Indigenous communities and a determination to empower Aboriginal people throughout New South Wales.’

For further information, [please visit the Australian Government website](#)

Northern Territory Land Rights Act amended to empower Aboriginal people

Nigel Scullion, Minister for Indigenous Affairs has announced the amendments to the *Aboriginal Land Rights (Northern Territory) Act 1976*. These amendments follow the Aboriginal Land Rights (Northern Territory) Amendment Bill 2015 passing through the Senate. Minister Scullion said ‘we want Indigenous land owners and community members to play an integral role in fostering economic development in their communities. The changes support Aboriginal people in the Northern Territory to make decisions about their own land within commercial timeframes. It will also streamline the operations of Land Councils to reap economic benefits for Aboriginal communities by allowing decisions made at a local level in commercial timeframes.’

For further information, [please visit the Australian Government website](#)

Northern land Council

Native Title recognised at Booraloola

Approximately 300 traditional owners and native title holders and their families came together on the McArthur River in the township of Borrooloola to celebrate the Federal Court’s decision to recognise native title rights over six pastoral leases covering more than 15,000 square kilometres of Gulf country. At the ceremony, the Northern Land Council’s Chairman Mr Bush-Blanasai said ‘that Aboriginal people of the Gulf country ha[ve] a long history of attempting to get their rights organised, against a sorry history of brutal and often bloody occupation.’

For further information, [please visit the NLC website](#)

NLC puts political parties on notice

Recently at the Northern Land Council (NLC) Full Council meeting the NLC stated ‘policy failures of successive governments have left Indigenous people untrusting of interference in their lives.’ The government’s incentive to develop the north is an example of the disrespect and disregard the current government has for Aboriginal people. The Full Council is seeking strong indigenous leadership for the implementation of important policies affecting indigenous landowners.

For further information, [please visit the NLC website](#)

NLC puts NT Government on notice

The Northern Land Council (NLC) has warned the Northern Territory Government that the weakening of the *Sacred Sites Act* will be opposed. The Northern Territory Government is set to engage a consultancy firm to provide advice on reducing the bureaucratic processes of the Act, which will provide more confidence for other economic development interests. The NLC are also currently preparing a submission to Parliament that will discard any changes to the Act. NLC Chairman Samuel Bush-Blanasi said ‘sacred sites are at the heart of our Aboriginal culture and customary law. Any attempts to put development before the protection of our culture will be condemned absolutely.’

For further information, [please visit the NLC website](#)

Ranger groups in line for awards

Wagiman Guwardagun, Kenbi and Arafura Swamp rangers along with Northern Land Council's Caring for Country staff member Mr Espiau are finalists in the 2015 Northern Territory Natural Resource Management and Northern Territory Landcare Awards, that were held on the 11 November 2015.

For further information, [please see NLC website](#)

9. Training and Professional Development Opportunities

AIATSIS

Australian Aboriginal Studies

Australian Aboriginal Studies (AAS) is inviting papers for coming issues. AAS is a quality multidisciplinary journal that exemplifies the vision where the world's Indigenous knowledge and cultures are recognised, respected and valued. Send your manuscript to the Editor by emailing aasjournal@aiatsis.gov.au.

For more information, [visit the journal page of the AIATSIS website](#)

The Aurora Project

[See the Aurora Project: 2015/16 Program Calendar](#) for information on training and personal development for staff of native title representative bodies, native title service providers, RNTBCs and PBCs.

National Museum of Australia

Encounters Indigenous Scholarships

The National Museum of Australia and Prince's Charities Australia are hosting an intensive three month scholarship program in 2016. This program will enable the successful six Indigenous cultural workers from around the country to spend time at

the National Museum of Australia, Canberra, and also The Prince's School of Traditional Arts, London, with additional visits to the British Museum, Oxford and Cambridge universities and the University of London.

For more information, [visit the National Museum of Australia website](#)

ORIC

ORIC provides a range of training for Aboriginal and Torres Strait Islander corporations about the [Corporations \(Aboriginal and Torres Strait Islander\) Act 2006 \(CATSI Act\)](#), the corporation's rule book and other aspects of good corporate governance.

For further information on training courses, [visit the ORIC website](#)

10. Events

University of Tasmania and the Australian National University

Indigenous Peoples & Saltwater/ Freshwater Governance for a Sustainable Future

The University of Tasmania and the Australian National University are convening a workshop to discuss the environmental governance of marine and freshwater areas by and from the perspective of Indigenous peoples.

Date: 11-12 February 2016

Location: University of Tasmania, Hobart

For further information, please contact Professor Benjamin Richardson, B.J.Richardson@utas.edu.au, or Lauren Butterly, lauren.butterly@anu.edu.au

History Council of NSW

Aboriginal History Prize 2016 – Call for Submissions

The inaugural History Council of NSW's Aboriginal History Prize will be awarded in 2016. The purpose of this award is to encourage students and early career historians to write Australian Aboriginal history from original sources.

Date: Deadline for Nominations is 31 March

Location: History Council of NSW

For further information, please contact admin@historycouncilnsw.org.au

InASA: International Australian Studies Association

Call for Paper – Indigenous Intervention into ‘Indigenous Narrative’

The Institute of American Indian Arts in the Indigenous Liberal Studies Department is convening an interdisciplinary conference exploring the notion of ‘Indigenous Narrative’, focusing on ideas related to Indigenous experiences of narrative in culture, literature, philosophy, history, politics, economics, film, television, art, music, social theory and business.

Date: 31 March-2 April, 2016

Location: The Institute of American Indian Arts, Indigenous Liberal Arts Department, Sante Fe, USA

For further information, please contact swall@iaia.edu.

Children’s Healthcare Australasia and National Rural Health Alliance

Caring for Country Kids Conference

Children’s Healthcare Australasia (CHA) and the National Rural Health Alliance (NRHA) are joining forces to host a national Conference on quality healthcare for children and young people living in rural, regional and remote communities across Australia.

Date: 17-19 April 2016

Location: Alice Springs Convention Centre, NT

For further information, [visit the Caring for Country Kids website](#)

NAISA 2016

2016 Annual Meeting

The University of Hawaii, the National Indigenous Research and Knowledges Network (NIRAKN), Queensland University and RMIT will host the Native American and Indigenous Studies Association Annual meeting in Honolulu, Hawaii in May 2016.

Date: 18-21 May 2016

Location: University of Hawaii, Honolulu

For further information, [visit the NAISA website](#)

The Native Title Research Unit produces monthly publications to keep you informed on the latest developments in native title throughout Australia. You can subscribe to NTRU publications online, follow @NTRU_AIATSIS on Twitter or ‘Like’ NTRU on Facebook.

