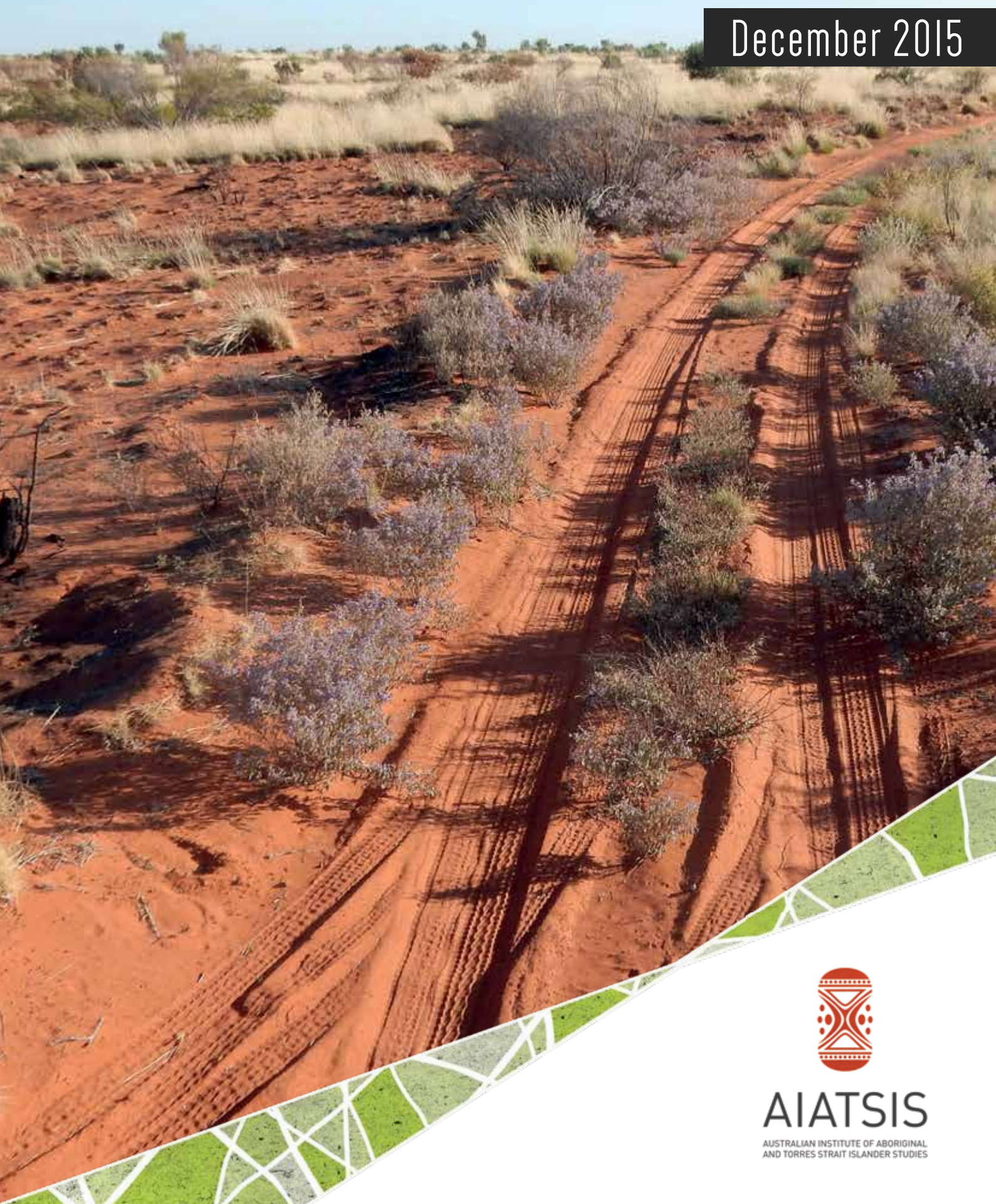


Native Title *newsletter*

December 2015



AIATSIS

AUSTRALIAN INSTITUTE OF ABORIGINAL
AND TORRES STRAIT ISLANDER STUDIES



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Welcome!

to the Native Title Newsletter

The Native Title Newsletter is produced three times a year and includes feature articles, traditional owner comments, book reviews, NTLW project reports and other various articles. The Newsletter is distributed to subscribers via email or mail and is also available at www.aiatsis.gov.au/ntru/newsletter.html. We welcome your feedback and contributions.

For more information, please contact:
ntru@aiatsis.gov.au

AIATSIS Native Title Land and Water (NTLW) also produces monthly electronic publications to keep you informed of 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.



Cover: Bilby habitat showing at least 3 different fire ages.
Credit: Kate Crossing 2015

Aboriginal and Torres Strait Islander people are respectfully advised that this publication may contain names and images of deceased persons, and culturally sensitive material. AIATSIS apologises for any distress this may cause.

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AN INTERVIEW WITH MARITA BUDDEN

**Member of the Jirrbal,
Atherton Tablelands country,
Far North Queensland**

On 8 October 2010, the Federal Court recognised the Jirrbal Peoples' native title to 92,000 hectares of their traditional lands, 133km South-West of Cairns. The decision took place through three consent determinations, which found that the Jirrbal Peoples, which includes the Girramay, Jirrbal, Mamu, Djiru, Gulngay and Ngajan Peoples, have native title rights to their lands. The following interview is with Marita Budden - the Chairperson of Wabubadda Aboriginal Corporation, the Prescribed Body Corporate for the Jirrbal Peoples. This interview was conducted at the Native Title Conference 2015.

MY NAME'S MARITA BUDDEN and I'm the Chairperson of Wabubadda Aboriginal Corporation, which is for the Jirrbal Traditional Group, on the Atherton Tablelands. We're part of the rainforest groups. One of the 18 or 20 rainforest groups in Far North Queensland.

We are on the Atherton Tablelands, and further out towards Ravenshoe. Our country is a huge area, and some of it is not actually claimed yet. Most of the area is green, but then we have the part where it starts to go into the more dry areas. The Jirrbal people actually didn't live in the rainforest, they traversed all the

lands, but that's where their source of food and everything came from. So when we say we're rainforest people, we don't actually mean that we lived only in the rainforest.

Native title to me means lots of things. It's knowing that we have something for our future generations. Also knowing for the present and knowing for our ancestors that they worked towards something over all those years in trying to get something back for their people. For me now it's just having some control, and when I say some control I mean as in we don't have full control of our own lands, but having native title is that acknowledgement from other people. For me it's knowing that some of the hard work has come to fruition, but there is still a lot of hard work to do. Just based on everything here at the conference and what I've been hearing.

When we put our first native title claim in 1999, I think; we've been going a long time. We were wondering 'what is native title going to do for us?' They say that 'at the end of your native title you'll get recognition and you'll have this and this and this', but we said 'well what do we do in the meantime? We do all this hard work, but what do we get along the way?' They said that there are some benefits that you can get from it, but I didn't actually see a lot of those benefits with the working group; it was a hard slog.

Our vision for the future is that we're working towards economic development on our land. We're just in the process now of getting our business plan done. So coming to the Native Title Conference has been really good. I can get information that can actually assist us in developing our plan further. Seeing different things that people have done on their country through their native title and through their processes right through. So that's going to really help. Also knowing the challenges and how we're actually going to resolve those challenges.

Family

I've been working in Indigenous Affairs for 25 years or even a bit more. I started with my parents because they used to take me and teach me about all that. That's why I'm here today too. They've passed on now, but that's what they did for me and I will keep passing it on. Our children don't really understand because they are not realising that they've still got to go out there when they're adults. They're children now; they don't understand all those things. I mean I didn't understand it when I was 17 or 18 too, and I was thinking 'hmmm, why do I need to know all that'. But as you go along, your parents are saying to you 'no, you should come and listen'. And that's what I do now: I say that to my own children, 'you should along come and listen'. That's one way of teaching them.

strong culture, strong

NATIONAL NATIVE TITLE CONFERENCE WEDNESDAY 1–FRIDAY 3 JUNE 2016

SHIANE LOVELL Conference Manager AIATSIS

WE ARE PLEASED TO announce the National Native Title Conference 2016 'strong country, strong culture' will be co-convened by AIATSIS and the Northern Land Council (NLC), hosted by the Larrakia people on their traditional lands in Darwin, Northern Territory.

The conference will be held at The Darwin Convention Centre from **Wednesday 1 – Friday 3 June 2016**.

The National Native Title Conference seeks to highlight the challenges and opportunities of native title in the broader context of Indigenous people's aspirations for their lands, waters and communities. The conference aims to promote public debate, build networks, and foster knowledge sharing between native title holders and other parties. It is the leading annual event for professional development for NTRB/NTSP staff, government bodies, native title practitioners and academics.

Each conference is strongly supported by native title representative bodies, native title claimants and holders, their legal counsel, native title practitioners such as anthropologists, government institutions and departments, politicians, judges, academics and others.

The 2015 Conference attracted a record number of participants, including Indigenous leaders, government ministers and community organisations from across Australia.

A quick snap shot National Native Title Conference 2015 Leadership, legacy and opportunity

3 Days

830 Delegates
Over 500 Indigenous people

186 Speakers
89 Presentations
38 Sessions

13 NTRB/NTSP

15 Sponsors
\$210,000 raised

5 Media
NITV
Channel 10
Win Tv
Prime News

51 PRcs

80 Indigenous sponsored delegates

National Indigenous Radio Service
30 interviews streaming to over 120 community and urban radio stations

2,262 Tweets

Reached a total of

1.2M People

country, strong future

2016 Conference Themes

THE 2016 CONFERENCE WILL COMPRISE ONE DAY OF CLOSED WORKSHOPS FOR INDIGENOUS PEOPLE AND THEIR NATIVE title representative bodies (NTRB and PBC Day) followed by a two-day public program. The dynamic cultural program will include a Welcome to Country ceremony and closing dinner.

The 2016 conference 'strong culture, strong country, strong future', is reflected in the following themes:

Being on country

- Having access to opportunities, resources and infrastructure to be back on land and sea country is a critical part of strengthening culture as well as health and wellbeing. *Being of Country* focuses on pathways for being back on country and the multiple ways in which traditional owners are reasserting culture and community.

Practising and learning culture

- Reconnecting younger generations with the knowledges of senior elders is a key priority for many traditional owner groups. *Practising and learning culture* focuses on cultural transmission and practice as not only a key native title right but also a way of strengthening connection to family and country.

Holding title; being sovereign

- As we move into the post-determination era questions are being asked about what holding native title means in the context of competing legal and policy regimes. Holding title; being sovereign is about strengthening the ability of traditional owners to assert their rights and interests through everyday practice.

Community and commerce

- Native title is both a commercial opportunity and a non-commercial bundle of rights. An emerging challenge is how commercial opportunities can be pursued in a way that is consistent with traditional owner priorities and aspirations. *Community and commerce* focuses on the innovations that traditional owners have pursued in order to bring economic benefit to their communities.

Just recognition; just settlement

- As momentum builds toward a referendum on constitutional recognition, Indigenous peoples are also seeking local and regional recognition of their cultural, social and economic aspirations. *Just recognition; just settlement* explores how First Nations and the Australian people can reach a just settlement and forge a respectful coexistence.

We are now calling for papers

Proposals for papers, panels, workshops, dialogue forums and Indigenous Talking Circles are invited for consideration by the conference convenors.

If you would like to submit a proposal to present at the National Native Title Conference 2016, please complete our 'call for papers' application which can be found on the AIATSIS website www.aiatsis.gov.au

Please send your completed application to AIATSIS no later than Tuesday 1 March.

For more information please contact:

Shiane Lovell
Conference Manager
P: 02 6246 1108
E: Shiane.Lovell@aiatsis.gov.au



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AND TORRES STRAIT ISLANDER STUDIES



WHAT DO CATS, BILBIES & NATIVE TITLE HAVE IN COMMON?



KATE CROSSING & ROD THOMAS, CENTRAL DESERT LAND COUNCIL

VISITORS TO THE REMOTE Aboriginal community of Kiwirrkurra, Western Australia, often find that the person they are looking for has 'gone hunting', especially on weekends. Kiwirrkurra is home to about 150 mainly Pintupi people, many of whom grew up living in the desert and only made contact with non-Aboriginal people in the 1960s and 70s.

In October 2001 Kiwirrkurra traditional owners gained recognition of their native title rights and interests over 4.2 million hectares of their ancestral lands in the Gibson and Great Sandy Deserts of Western Australia. The native title rights and interests recognised in the 2001 determination include, amongst others:

1. the right to make decisions about the use and enjoyment of the land and waters of the Determination Area, and
2. the right to hunt and gather... for the purpose of satisfying their (native title holders) personal, domestic, social, cultural, religious, spiritual and communal needs.

These days the 30kms or so around Kiwirrkurra community form a regular hunting ground where young and old alike search for favoured bush tucker foods, such as goanna, bush turkey, kangaroo and even feral cat. Cats are thought to have reached this remote desert country at least 100 years ago and became an important food source for the people living here. Although Toyotas, rifles and metal digging sticks have

replaced more traditional tools, people still follow the old ways. As they move they burn small patches of vegetation: to flush out game, to make it easier to see goanna burrows, to encourage green pick and bush tucker plants, and just to 'clean up' country.

These same hunting grounds are home to two iconic threatened species, the bilby (*ninu* or *Macrotis lagotis*) and great desert skink (*tjalapa*, or *Liopholis kintorei*). The presence of *ninu* and *tjalapa* is unlikely to be a coincidence. Ecologist Rachel Paltridge points out that the fine mosaic of mature spinifex interspersed with different-aged patches of soft grasses, herbs and small shrubs that results from hunting fires provides an ideal mix of shelter and food resources for many native animals. She also suspects

Above: Bilby habitat showing at least 3 different fire ages.
Credit: Kate Crossing.

that the strong overlap in food preferences (bush onions, witchetty grubs and certain grass seeds) for both the bilby and Aboriginal people in the western deserts goes a long way towards explaining the survival of bilbies in these areas where people hunt regularly (*pers comm* 2015).

Analysis of satellite imagery shows that the pattern of fire scars in these hunting grounds is remarkably similar to that from the 1950s, as seen in aerial photos taken for the Blue Streak rocket launch. Further afield, where the lack of access tracks mean people are no longer walking and burning, the fire scars tell a different story: unchecked wildfires leaving large tracts of land burnt and other areas building up a dangerous load of old spinifex.

Assisting the survival of the *ninu* and *tjalapa* is the remarkable cat hunting skills of a core group of Kiwirrkurra hunters, a skill which is fast disappearing across the western deserts. Feral cats are recognised as a key threat to the survival of both the bilby and great desert skink in the wild. While the number of cats captured is only one or two per month, the ongoing removal of individual cats from the hunting grounds over many years is likely to be reducing predation pressure on these iconic species.

Kiwirrkurra traditional owners recently dedicated the whole of their native title determination as an Indigenous Protected Area (IPA), entering into a partnership with the



Feral cat and Yukultji Napangarti Kiwirrkurra.
Credit: Kate Crossing.

Australian Government to manage their country for both cultural and environmental conservation. Key priorities identified in the management plan¹ include looking after both culture and country, keeping people strong, and building a strong economic base.

Protection of threatened species is one key area where the IPA is helping people to meet their aspirations. Through the IPA and additional funding from Rangelands NRM WA, Kiwirrkurra rangers are extending their traditional burning and hunting activities to other priority *ninu* habitats within the IPA. Building on a strong basis of local knowledge and skills, they are starting to incorporate new

methods and technologies. Satellite imagery and fire scar maps help the elders and rangers decide on priorities for burning, especially in more remote or inaccessible areas away from roads. And an incentive scheme for hunting cats has both helped raise awareness of the value of this important skill in protecting threatened species, as well as encouraged more young people to take it up.

The IPA and hunting activity is not just about mobilising the rights and interests recognised in the 2001 determination today, it is also about ensuring that these rights and interests are sustained well into the future by engaging the younger generation in a modern cultural

Yukultji Napangarti Ward burning country with goanna in hand.
Credit: Kate Crossing.





Yakari Napaltjari digging
goanna in burnt patch.
Credit: Kate Crossing.

economy. The combination of the IPA and the remarkable knowledge and skills of Kiwirrkurra elders provide the foundation for the younger generation to learn, while undertaking important cultural and natural management of Kiwirrkurra lands for the benefit of all Australians.

The Kiwirrkurra approach is in stark contrast with some alternative approaches to threatened species management in Australia where the focus is on building and maintaining expensive exclusion fences to keep feral animals at bay and threatened species cocooned in predator free compounds. One is an investment in people and community while the other an investment in posts and wire! Which approach will be more cost-effective and/or successful in the longer term, time will tell.

1 Kiwirrkurra IPA - Plan for Country, <http://www.centraldesert.org.au/wp-content/uploads/2015/05/140613-Kiwirrkurra-IPA-Plan-for-Country-v1.1-CRO-small.pdf>



Above: Matthew West lighting fire Kiwirrkurra.

Below: Young women working with elders to sort bilby scats.

Credit: Kate Crossing.





NOONGAR PEOPLE OF SOUTH WEST WA WELCOME THE NOONGAR RECOGNITION BILL

STACEY LITTLE SENIOR RESEARCH OFFICER NTRU

THE NOONGAR (KOORAH, NITJA, Boordahwan) (Past, Present, Future) Recognition Bill 2015 (the Bill) was tabled in the Parliament of Western Australia on 14 October 2015. It forms part of the settlement package negotiated between the representatives of the Noongar People, South West Aboriginal Land & Sea Council (SWALSC), and the Western Australian government. The members of the six Noongar native title claims groups – the Yued, Gnaala Karla Boodja, South West Boojarah, Wagyl Kaip, Ballardong and Whadjuk - emphasised the necessity of formal Noongar recognition throughout the intensive settlement negotiations extending back to 2009. The text of the Bill states that the Parliament of WA recognises:

The living cultural, spiritual, familial and social relationship that the Noongar people have with the Noongar lands, and the significant and unique contribution that the Noongar people have made, are making, and will continue to make, to the heritage, cultural identity, community and economy of the State.

The Bill is the first of its kind in Australia and its tabling has already had a significant impact on members of the Noongar claim groups. The Bill has been welcomed by the directors of SWALSC, who consider that it both recognises and acknowledges Noongar People's relationship to the south west of the state, as well as their rights to practise their law, culture and carry out their responsibilities to country. Noongar man Dennis Jetta remembers the impact of legislative history on his people, including the harsh effects of the *Aborigines Act WA*, repealed in 1964, and the later 1967 referendum, which he feels brought acceptance, but not recognition to the Noongar. He described the tabling of the Recognition Bill as 'a day of closeness and togetherness' for his people.

Elder Fay Slater commented on the sense of identity and belonging she feels as a result of the Bill: 'We've always been "Oh I'm only a Noongar, we're nothing". But now, we're acknowledged as being people here with rights. It's just a wonderful feeling to have that acknowledgment and it really is a time to celebrate...It gives us back our pride and belief in who we are'.

The Noongar native title litigations ran for 12 years prior to the commencement of alternative settlement negotiations in 2009. SWALSC were instructed to move away from the claims process due to the low level of native title

rights attainable as a result of the increasing development in the area. Members of the Noongar groups expressed frustration at the native title process and lauded the move to an alternative settlement outcome. Noongar woman Heidi Mippy considers there is no value in native title claims for the Noongar People, and instead sees the settlement as providing the group with the ability to achieve improved outcomes for future generations. Ms Mippy expects that the settlement will give the groups the credibility required to be competitive in tendering processes for increased funding and services.

The effect of the recognition on the future generations of Noongar People was significant to Noongar elders. Janet Hayden stated on the day of the tabling that "my old heart, it felt like it was bursting. It was so emotional. It was our day...Those young people who sit down and look at what we've put up – what was given there today – it's theirs, you know, it's theirs now".

The settlement package also includes the establishment of the Noongar Boodja Trust to receive yearly payments of \$50 million for 12 years, the transfer of approximately 320,000 hectares of Crown Land to the trust, the creation of six Noongar Regional Corporations and a Central Services Corporation with operations funding to the sum of \$10 million a year for 12 years, the transfer of 121 properties to the groups, and a community development package.

Above: Members of the Noongar claim groups and staff of the South West Aboriginal Land and Sea Council (SWALSC) celebrating the tabling of the Noongar Recognition Bill on the steps of Parliament House in Perth on October 14, 2015. Credit: Tracey Edwards, SWALSC.

MEETING UPDATE: NATIVE TITLE RESEARCH ADVISORY COMMITTEE

TIM HEFFERNAN RESEARCH ASSISTANT NTRU

THE AIATSIS NATIVE TITLE Research Advisory Committee (NTRAC) met again on Friday, 27 November 2015. The Committee's mandate, as set out by the AIATSIS Council, is to provide advice to the AIATSIS Principal on the native title research program. NTRAC meet twice a year and is comprised of the AIATSIS Principal, two AIATSIS Council members, a representative of the NTLW's primary funding body (Department of Prime Minister and Cabinet), and up to eight native title experts in current practice.

An important outcome of the recent review of the NTRAC Charter has resulted in a greater gender balance, greater Indigenous representation and diversity of experts in the native title sector contributing to NTRAC. As such, current NTRAC members include Mr Russel Taylor OAM (Principal, AIATSIS), AIATSIS Council members Professor Mick

Dodson and Mr Kado Muir, Mr Wayne Beswick (Department of Prime Minister and Cabinet), Ms Natalie Rotumah (CEO, NTSCorp), Dr Valerie Cooms (Member, National Native Title Tribunal), Ms Melissa George (CEO, Northern Australian Indigenous Land and Sea Management Alliance), and Dr Lisa Strelein (Executive Director of Research, AIATSIS).

The meeting commenced with a tribute to NTRAC member, the late Brian Wyatt. The Committee also discussed current and future funding provided by the Department of Prime Minister and Cabinet, the 2016 National Native Title Conference and 2016 National Indigenous Studies Conference, as well as a range of challenges and successes being experienced by communities around Australia through their involvement with native title.

The next NTRAC meeting will be held in mid-2016.

Thanks to
Rob Blowes!



STACEY LITTLE SENIOR RESEARCH OFFICER NTRU

ROBERT BLOWES SC HAS ENDED HIS 20 year tenure as a member of the AIATSIS Native Title Research Advisory Committee. His expansive knowledge and expertise of the native title sector has been invaluable to the direction of the research conducted by AIATSIS.

Mr Blowes is a barrister with over 30 years of experience in representing Aboriginal people and Torres Strait Islanders in the preparation, litigation, negotiation and mediation of their claims to their land and waters in many parts of Australia. He has also maintained a strong research and law reform focus throughout his continuing legal career. His emphasis on, and thinking around the connection requirements under section 223 of the *Native Title Act* contributed to the AIATSIS Connection Requirements research project, which resulted in a range of papers, reports and workshop and conference presentations and papers that have guided the sector. In particular, his conduct of the Torres Strait Sea Claim (*Akiba on behalf of the Torres Strait Regional Seas Claim Group v Commonwealth of Australia*), has been instrumental to the broadening of the connection requirements under section 223 of the *Native Title Act*. He has presented on connection issues at several National Native Title Conferences, and continues to advocate for broadly stating native title rights and interests to achieve improved outcomes for native title claimants.

AIATSIS thanks Mr Blowes for his long-term commitment and contribution to the Native Title Advisory Committee and native title research, practice and law reform more broadly.



Brian John Wyatt
16 JUNE 1951–24 OCTOBER 2015

We were deeply saddened to hear of the passing of Brian John Wyatt in October.

Brian was Churchill Fellow who had nearly 40 years experience in administration of Aboriginal affairs. He held the position of CEO with the Goldfields Land and Sea Council for 11 years, was the inaugural Chairperson and CEO of the National Native Title Council and served on NTRAC since 2013. Brian participated regularly in the UN Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples.

We extend our deepest condolences to Brian's family.

Above: AIATSIS Chairperson Professor Mick Dodson and Mr Brian Wyatt. Inspecting the Amur River, Khabarovsk, Russian Federation, August 2007. Credit: Mick Dodson.

PBC

capacity building

DR BELINDA BURBIDGE RESEARCH FELLOW NTRU

PRESCRIBED BODIES CORPORATE (PBCs) have statutory functions under the *Native Title Act 1993 (Cth)* (NTA) and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth)* (CATSI Act). Additionally, PBCs have a wide range of other economic, environmental, and cultural aspirations that form part of their broader native title rights and interests.

PBC aspirations fall into four categories:

1. **Independence:** PBCs seek more corporate independence in the management of their native title rights and interests
2. **Respect and recognition:** PBCs seek greater levels of political recognition and respect for their rights and interests from other groups
3. **Caring for country, culture and people:** PBCs aspire to use their native title rights to improve the social and cultural wellbeing of their members, as well as the broader community
4. **Community development, service provision and economic development:** PBCs want to use their native title rights to provide greater socio-economic security for their communities.¹

AIATSIS research demonstrates² AIATSIS website, that although the number and size of PBCs are increasing – there are currently 145 PBCs around Australia – PBCs continue to hold aspirations within these four categories. For example, during the 2015 Annual PBC Meeting held at the National Native Title Conference (NNTC), PBC members expressed a desire for the formation of a strong national advocacy body of PBC representatives, for the following reasons:

1. Coordination and certainty
2. Representation
3. Greater influence

Despite the fact PBC aspirations have remained largely consistent, PBC capacity is changing. This is partly due to changes to the amount of support NTRBs/NTSPs can provide to PBCs. Historically, the Commonwealth Government preferred to provide nominal funds to PBCs through NTRBs/NTSPs, with direct funding to PBCs being provided occasionally.³ Funding from FaCHSIA to PBCs via NTRBs/NTSPs increased during 2011-12 and NTRBs/NTSPs were able to fund PBCs for longer than before.⁴

Another reason for the growth in PBC capacities in PBCs is the 2011 amendments to the PBC Regulations, which allowed for

native title holders to elect non-member directors to assist with skill shortages. Additionally the changes allowed for PBCs to charge fees for service.

Despite these advances, PBCs still face a lack of human and financial resources, an over-reliance on the unpaid labour of their members, inadequate and poorly targeted training support and ineffective mechanisms to deal with dispute resolution.⁵

AIATSIS Research is currently working to overcome these constraints on PBCs. For example, in collaboration with North Queensland Land Council, we have been working on the development of a national PBC toolkit and accompanying training. The toolkit includes a combination of statutory requirements and best practice information on PBC activities.

A lack of financial resources, particularly when setting up a PBC, remains the number one concern for PBCs. In response to this AIATSIS research has developed PBC training and funding guides for PBCs in each state/territory around Australia. Also, between 2006 and 2013, AIATSIS convened a series of workshops with PBCs and government stakeholders raise awareness of PBC needs and identify suitable funding programs.⁶





During 2015 AIATSIS research has been developing the PBC contacts database and focusing on strengthening relationships with PBCs.

- 1 Tran, T., Stacey, C. and McGrath, P. April 2013. Background report on Prescribed Body Corporate aspirations: Report to Deloitte Access Economics for the FAHCSIA Review of Native Title Organisations. p 11
- 2 *ibid*; AIATSIS. 2015. 'Getting PBCs off the ground.' <http://aiatsis.gov.au/research/research-themes/native-title-and-traditional-ownership/getting-pbcs-ground>; and McGrath, P., Stacey, C., and Wiseman, L. 2013. Chapter 2. An overview of the Registered Native Title Bodies Corporate Regime. In *Living with native title: the experiences of registered native title corporations*, T. Bauman, L. Strelein, and J. Weir, eds. pp. 27-64. Canberra: AIATSIS Research Publications. <http://aiatsis.gov.au/publications/products/living-native-title-experiences-registered-native-title-corporations>
- 3 Attorney-General's Department Steering Committee. 2006. Structures and processes of Prescribed Bodies Corporate, p 6
- 4 *Ibid* McGrath et al 2013, p 47
- 5 *Ibid* Tran et al 2013, p 12
- 6 *Ibid* McGrath et al 2013, p 48

Above: National PBC Meeting, Monday June 15, Port Douglas, QLD.
Credit: Lisa Strelein (Director of Research, AIATSIS)

PM&C Funding Proposal

Greg Roche
Department of Prime Minister
and Cabinet (PM&C)

There are currently 145 registered Prescribed Body Corporates (PBCs) around Australia. Around 80 per cent of PBCs are small with limited income and capacity to utilise their native title rights and interests. The lack of PBC capacity to engage in economic activity and community development was raised as part of the Northern Australia White Paper process, and, in June 2015 the Minister for Indigenous Affairs announced that the Australian Government will provide an additional \$20.4 million in funding over four years to increase PBC capacity and assist PBCs to take advantage of economic opportunities that arise from their native title rights.

It is proposed that the funding will be available for one-off projects paid directly to a PBC or group of PBCs.

The Department of Prime Minister and Cabinet (PM&C) released a discussion paper in November on how the funding could be provided to PBCs and staff from PM&C visited Perth, Adelaide, Melbourne, Sydney, Brisbane and Cairns to discuss the funding proposal and engage with PBC members. PM&C also provided an opportunity for PBCs and others to make written submissions on the funding proposal.

PM&C will advise on its website when it will be accepting applications for funding.

For further information, please contact:
Georgia McLean (PM&C) on 02 6152 3871 or Native.Title@pmc.gov.au

Meet the team

AIATSIS HAS BROUGHT TOGETHER ITS LONG STANDING EXPERTISE IN NATIVE TITLE AND OUR land and water livelihoods work to become the AIATSIS Native Title Land and Water team. The combined team reflects the growing emphasis by Indigenous communities on using native title to create sustainable livelihoods based on the natural and cultural resources of their lands and seas. Together, we will bring you news of new projects and outcomes not just from the NTRU but across AIATSIS native title and land and water activities. We have also recently farewelled some long term staff and welcomed some new ones and so offer you a rogues gallery of the combined NTLW team.



DR ROD KENNETT **DIRECTOR**

Rod is the new head of the Native Title Land and Water Team. He came to AIATSIS in 2014 from the North Australian Indigenous Land and Sea Management Alliance (NAILSMA), where he led the multi-award-winning Saltwater Country Management Program (including the Saltwater People Network and I-Tracker). Rod has worked for over three decades in marine and terrestrial science and management in tropical north Australia, where much his work has focused on increasing Indigenous participation in research and management.



DR TRAN TRAN **RESEARCH FELLOW**

Tran's research focus is on how native title intersects with other areas of land and water management. She is particularly interested in how communities can make the transition from having their native title recognised to benefiting from it. Tran is currently working on developing shared Indigenous and non-indigenous land management in Matuwa (Lorna Glen) and Kurarra Kurarra (Earaheedy) with the Wiluna native title holders and Central Desert Native Title Services.



DR BELINDA BURBIDGE **RESEARCH FELLOW**

After working for six years in the native title sector, Belinda returned to university to complete her studies and graduated with a PhD in anthropology from The University of Sydney in 2014. During the last two years Belinda has lectured in anthropology as well as working as a research consultant for Anangu Pitjantjatjara Yankunytjatjara (APY) in Central Australia. She has joined the AIATSIS research team to continue working with Indigenous Australian communities in producing constructive and collaborative research that bridges the academic and applied sectors.



STACEY LITTLE **SENIOR RESEARCH OFFICER**

Stacey's background is in native title law, her experience being predominantly in litigation and compensation applications. Stacey maintains the NTRB Precedents Database as part of the Native Title Representative Bodies Knowledge Management Project. She coordinates the production of statute and case summaries of laws that govern or intersect with native title rights and interests. She is also a member of the research team investigating the existing commercial potential of native title rights and interests and ways in which native title holders can realise that potential.



LUKE SMYTH **RESEARCH OFFICER**

Since joining in September 2015 Luke has been working on material for the PBC Support Network and contributing to the research project Mapping Livelihood Values of Indigenous Customary Fishing. Luke has an undergraduate degree in development studies from the ANU and is currently completing his Master of Social Research degree, also at the ANU. His university studies have included training in both qualitative and quantitative research methods, social network analysis and a focus on the interconnected demographic, social and environmental issues faced by indigenous peoples and marginalised groups in Australia and Asia.

The NTLW wishes you a safe



ALEXANDRA ANDRIOLO **NATIVE TITLE RESEARCH AND ACCESS OFFICER**

Alex is AIATSIS' first point of contact for people seeking information about native title resources held in the AIATSIS library and audiovisual archive. Alex is also responsible for a number of the NTRU's information services, including the *Native Title Newsletter* and *What's New in Native Title* and she recently took over coordination of the PBC Support Officer Network. With academic qualifications in linguistics, Alex joined AIATSIS in 2012 as a project officer on the Second National Indigenous Languages Survey (NILS2). She has since worked on the National Indigenous Languages Curriculum framework documents, the AIATSIS research seminar series and the AIATSIS National Indigenous Studies Conference 2014, before joining the NTLW in 2014.



ALLISON THATCHER **RESEARCH OFFICER**

Before returning to Canberra to complete her Master of Anthropology degree at the ANU, Allison was a regional anthropologist at the Northern Land Council in Darwin for four years, where she worked with traditional owners in remote north-east Arnhem Land communities on mining and leasing agreements. She has also assisted traditional owners in north-east Arnhem Land in consultations over repatriation of sacred artefacts and skeletal remains currently held by the Australian Museum in Sydney. At AIATSIS Allison will continue to work with Indigenous communities using her knowledge of applied land tenure research. She looks forward to learning about the post-determination aspects of native title settlement, including the establishment and operations of Prescribed Bodies Corporate.



TIM HEFFERNAN **RESEARCH ASSISTANT**

Tim has a background in anthropology and graduated with Class One Honours from the University of New South Wales. Current projects that Tim is working on include research into Indigenous livelihoods on country, and an investigation into the community-based land and sea management practices employed by Australian Indigenous peoples.



PAULINE MCGUIRE **RESEARCH PUBLICATIONS MANAGER**

As Research Publications Officer, Pauline works on the Institute's research reports and peer reviewed discussion papers and books. She is also Associate Editor of the Institute's journal, *Australian Aboriginal Studies*. Pauline joined AIATSIS in 2012 after working at federal Hansard and as an editor for book publishers Hodder Headline (now Hachette Livre) and HarperCollins.



AMITY RAYMONT **PROJECT OFFICER**

Amity is a descendent of the Batjula people from the Maryborough and Fraser Island area in QLD. Amity has worked across AIATSIS on and off since 2003, and started with the Native Title Research Unit in 2011. She is the inhouse designer and typesetter for the NTRU publications and resources.

and happy holiday period!

The Native Title Research Unit (NTRU) was established through collaboration between the Aboriginal and Torres Strait Islander Commission and AIATSIS in 1993 in response to the High Court decision in *Mabo v Queensland [No 2]*, which recognises Indigenous peoples' rights to land under the legal concept of native title. The NTRU's activities are currently supported through a funding agreement with the the Department of the Prime Minister and Cabinet.

The NTRU provides high quality independent research and policy advice in order to promote the recognition and protection of the native title of Aboriginal and Torres Strait Islander peoples. We facilitate access to the Institute's records, materials and collections and publish the results of our research both as a source of public information and in academic publications.

Located within the wider AIATSIS research program, the NTRU aims to provide ongoing monitoring of outcomes and developments in native title; independent assessment of the impact of policy and legal developments; longitudinal and case study research designed to feed into policy development; ethical, community based and responsible research practice; theoretical background for policy development; recommendations for policy development; and policy advocacy designed to influence thinking and practice.

Subscribe to NTRU publications and resources

All NTRU publications are available in electronic format. This will provide a faster service for you, is better for the environment and allows you to use hyperlinks. If you would like to SUBSCRIBE to the *Native Title Newsletter* electronically, please send an email to ntru@aiatsis.gov.au. You will be helping us provide a better service.

For previous editions of the Newsletter, go to www.aiatsis.gov.au/ntru/newsletter.html

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AIATSIS
AUSTRALIAN INSTITUTE OF ABORIGINAL
AND TORRES STRAIT ISLANDER STUDIES

Understanding Native Title Economies Project

WANTED: PBC RESEARCH PARTNER

Are you a medium to large PBC? Would you like to be involved in AIATSIS research?

There are currently 145 registered PBCs around Australia. Despite the increasing numbers of PBCs there is little quantifiable information available about the capacity of PBCs and the value of enacting native title rights and interests.

This project will address the gap in research by looking at:

- the areas of PBC operations that require funding
- how much time and labour PBC members and directors are spending on native title and other activities
- who is doing the work
- what kinds of relationships PBCs have with stakeholders and service providers.

FOR MORE INFORMATION PLEASE CONTACT:

Dr Belinda Burbidge, Research Fellow
Native Title, Land and Water, AIATSIS, 51 Lawson Crescent, Canberra ACT 2601
Belinda.Burbidge@aiatsis.gov.au p 02 6261 4226

Your involvement

We are seeking interested NTRBs/NTSPs and PBC partners for the projects for a case study. The partners will need to provide:

- an introduction to the PBC partner
- historical data relating to claim and post-determination work on meetings, future act negotiations, heritage surveys and/or field research trips
- fieldwork assistance (where possible)

Project benefits for your PBC

- Paid fieldworker opportunity
- Potential involvement in the 2016 National Native Title Conference in Darwin
- Collaboratively produced reports and publication
- Production of the 'Work Tracker' database free for your PBC/NTRB
- The project will initially run until June 2016 with a possibility of extension.