

WHAT'S NEW IN NATIVE TITLE

DECEMBER 2014

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1. Case Summaries

[Willis on behalf of the Pilki People v State of Western Australia \(No 2\) \[2014\] FCA 1293](#)

2 December, Consent Determination, Federal Court of Australia, Pilki Dam, Western Australia

McKerracher J

This matter relates to a decision by North J, in [Willis on behalf of the Pilki People v State of Western Australia \[2014\] FCA 714](#) (see summary of that judgment in [What's New In Native Title July 2014](#)). In that case, the Court heard an application by the Pilki People for a determination of native title in an area of the Western Desert region, between the Nullarbor Plain and the Great Victorian Desert surrounding Jubilee Lake.

Background:

The Pilki People's application for native title was made in August 2002 and was registered in April 2005. Following some amendments to the application and various case management conferences, agreement was reached about the existence of native title.

The State did not agree that the Pilki People's native title included the right to access resources and to take and use resources of the land for commercial purposes. However, North J held, at [134], that in accordance with s 225(b) of [the Native Title Act](#) (NTA), the determination of native title in favour of the Pilki People should include the native title right to access and take for any purpose the resources of the determination area.

North J ordered that the Pilki People and the State file a draft determination of native title reflecting his reasons for judgment.

Decision:

In this matter, McKerracher J ordered that the determination is to take effect immediately upon the nomination by the Pilki People of a Prescribed Body Corporate (PBC) to hold and/or manage the native title, under [ss 56](#) or [57](#) NTA.

McKerracher J ordered that this occur within 12 months or the matter would be listed for further directions.

Of Note in this Decision

Although the native title right to access and take resources for any purposes was recognised, McKerracher J noted that no native title rights and interest exist in the Determination Area in relation to minerals, petroleum and geothermal resources and geothermal energy.

[Foster on behalf of the Gunggari People #3 v State of Queensland \[2014\] FCA 1318](#)

5 December, Consent determination, Federal Court of Australia, Amby, Queensland

Rangiah J

In this consent determination, Rangiah J recognised the non-exclusive native title rights and interests of the Gunggari People in an area of south-western Queensland. The determination area is approximately 4,166 km², situated roughly between the towns of Amby and Muckadilla in the north and Begonia, approximately 55 km north of St George, in the south. The determination covers a 120 km stretch of the Maranoa River from its junction with Amby Creek southerly to Begonia.

The respondents in this matter were the State of Queensland, the Maranoa Regional Council and 10 other parties including resource companies KGLNG E&AP II Pty Ltd, PAPT (Upstream II) Pty Ltd, Santos QNT Pty Ltd and Total E&P Australia III.

Background

The Gunggari People's native title had been recognised over an area adjoining the southern and western portions of this determination area (see [Kearns on behalf of the Gunggari People #2 v State of Queensland \[2012\] FCA 651](#) or NTRU summary [here](#)). In that matter, Reeves J noted that this matter has a long and complicated procedural history, with the Gunggari People first seeking native title in 1996. Rangiah J noted, at [5], that part of that history is set out in the frequently cited decision of Emmett J in [Munn for and on behalf of the Gunggari People v State of Queensland \(2001\) 115 FCR 109](#).

Rangiah J considered the present determination to be an important step towards the final resolution of the Gunggari People's claims.

Requirements of s 87 NTA

Rangiah J was satisfied that the elements of [s 87](#) of the [Native Title Act 1993](#) (Cth) (NTA) were established. These included:

- the notice given under [s 66 NTA](#) has passed;
- agreement was reached between the parties in relation to the whole proceeding;
- the terms of the agreement were in writing, signed by the parties and filed with the Court; and
- making the proposed order was within the Court's power.

In determining whether it is appropriate to make orders consistent with the terms of the parties' agreement, without holding a hearing of questions of fact and law, as provided by [s 87\(2\) NTA](#), Rangiah J applied the following principles, at [36]:

The Court is not required to embark upon an inquiry as to the merits of the claim to be satisfied that the orders are supportable and in accordance with law: [Cox on behalf of the Yunngqora People v State of Western Australia \[2007\] FCA 588](#) at [3] per French J. However, the Court will consider evidence for the limited purpose of determining whether the parties who have agreed to compromise the claim, particularly the State on behalf of the community generally, have made a rational decision and are acting in good faith: [Munn for and on behalf of the Gunggari People v State of Queensland \(2001\) 115 FCR 109](#) at [30] per Emmett J. The primary consideration of the Court is to determine whether there is an agreement and whether it was freely entered on an informed basis: [Nangkiriny v State of Western Australia \[2002\] FCA 660](#) at [14] per North J.

Rangiah J cited the following circumstances at [41] in finding that, in this case, it was appropriate to make orders:

- all but one party were legally represented, and the party who was not legally represented had consented knowing the evidence and the terms of the proposed determination;
- the State of Queensland, acting on behalf of the community generally, played an active role in the negotiation of the proposed determination and was satisfied that the determination is justified in all the circumstances; and
- the parties agreed upon the nature and extent of native title rights and interests in relation to the determination area.

Connection requirements

[Section 94A](#) NTA requires that a native title determination order must satisfy the requirements of [s 225](#) NTA. At [39], Rangiah J considered the requirements of [s 225](#) NTA as satisfied because of the existence of the [s 87](#) NTA agreement.

However, at [8]-[30] Rangiah J, noted affidavits, evidence of the members of the native title claim group and four reports prepared by an anthropologist. His Honour referred to [Sampi v Western Australia \[2005\] FCA 777](#) at [48] per French J, highlighting that evidence of members of the native title claim group about traditional laws and custom and rights and responsibilities in respect to land and waters is of the highest importance. Rangiah J found:

29. The Gunggari People have maintained a continuous presence on their country, despite the pressures of colonisation.
30. The evidence demonstrates that the Gunggari People have held rights and interests in the determination area under their traditional laws and customs since prior to sovereignty and have continued to do so to the present time. They have also continued to exist as a society.

Nominated PBC

The Court must determine if the native title will be held in trust and, if so, by whom ([s 56\(1\)](#) NTA). . In this case, the Gunggari Native Title Aboriginal Corporation was determined as the Prescribed Body Corporate to hold the native title on trust.

ILUAs and this determination

Rangiah J ordered that the determination will take effect upon the registration of the following four Indigenous Land Use Agreements (ILUAs):

1. the Gunggari People #3/Ergon Energy ILUA of 27 October 2014
2. the Gunggari People #3/Maranoa Regional Council ILUA of 5 November 2014;
3. the Gunggari #3 Applicant and Don James Noon and Kim Kelman Noon as parties to the Gunggari People #3/Cedarvale ILUA of 30 October 2014; and
4. the Gunggari #3 Applicant and Kaylean Terese Killen and Michael Humphrey Killen as parties to the Gunggari People #3/Drysdale Ponds ILUA of 2 November 2014.

Rangiah J further ordered that, if these ILUAs are not registered within 6 months, the matter will be listed for further direction.

[FMG Pilbara Pty Ltd v Yindjibarndi Aboriginal Corporation RNTBC \[2014\] FCA 1335](#)

8 December 2014, Appeal - National Native Title Tribunal, Federal Court, Perth, Western Australia

McKerracher J

In this matter, McKerracher J dismissed appeals brought by FMG Pilbara Pty Ltd (FMG) and the State of Western Australia against a decision by Member Helen Shurven of the National Native Title Tribunal (NNTT) to not allow an expedited procedure in relation to two proposed exploration licences (see [Yindjibarndi Aboriginal Corporation RNTBC v FMG Pilbara Pty Ltd and Another \[2014\] NNTTA 14](#)).

Background

On 30 November 2012, the Western Australian Department of Mines and Petroleum (the State) gave notice under [s 29](#) of the [Native Title Act](#) (NTA) of its intention to grant six exploration licences to FMG. The State's notice included a statement that it

considered the exploration licences could be granted by way of an expedited procedure (that is, without having to undertake normal Future Act negotiations required by [s 31 NTA](#)).

On 27 February 2013, the Yindjibarndi People exercised their right under [s 32 NTA](#) and objected to the State's proposal for an expedited procedure for all six of the licenses.

The NNTT sought submissions from the parties and referred to the legislative regime, much caselaw and evidence presented before determining that there were sites of particular significance in two of the six proposed exploration licences. The NNTT found at [120] and [122], that 'inadvertent interference may occur without normal negotiations of [s 31 NTA](#)' and, as such the granting of these two proposed exploration licences was a Future Act that would not attract an expedited procedure.

FMG exercised its rights under [s 169 NTA](#) and appealed the decision. The State also appealed the decision of the NNTT, but on different grounds.

Expedited Procedure - s 237 NTA

Under [s 237 NTA](#), a Future Act will attract the expedited procedure if:

- a) the act is not likely to interfere directly with the carrying on of the community or social activities of the persons who are the holders of native title; and
- b) the act is not likely to interfere with areas or sites of particular significance, in accordance with their traditions, to the persons who are the holders of the native title; and
- c) the act is not likely to involve major disturbance to any land or waters concerned or create rights whose exercise is likely to involve major disturbance to any land or waters concerned.

Application of s 237 NTA by the NNTT

The NNTT determined that the expedited procedure would apply to four of the six licences but concluded that two licences fell within [s 237\(a\)](#) and [237\(c\) NTA](#), but did not satisfy [s 237\(b\) NTA](#).

The NNTT considered that inadvertent interference may occur at five sites located within two of the six exploration licences, if normal negotiations, provided for under [s 31 NTA were not to be applied](#).

Assessment of Appeal - FMG

FMG's appeal was run on several grounds. However, McKerracher J, at [30] stated:

FMG's basic complaint is that 'we don't know why we lost'. FMG contends the Tribunal has not given reasons as to why the granting of two exploration licences will interfere in the sense discussed in [s 237\(b\) NTA](#).

FMG submitted that there was no evidence provided to the NNTT showing how a direct physical interference would occur with any of the five sites of particular significance. McKerracher J considered that this was the central issue on appeal because the NNTT had looked at the meaning of interference in [s 237\(b\) NTA](#) in a broader sense.

McKerracher J did not allow the appeal, stating at [39]:

I am not persuaded that there is either an error of law or jurisdictional error. Although ideally the Tribunal might have indicated precisely what aspect of the proposed exploration was likely to constitute a relevant interference, it is clear that the Tribunal reached the conclusion based on the nature of the particular sites and the nature of the activities constituting exploration. It must be emphasised that the task of the Tribunal in such an application is to make a predictive analysis. In this instance it was to take into account its apparent reliance upon the evidence given for FMG as to the precautions it would take and balance those against the nature and importance of the particular site in terms of the evidence given. That is clearly the approach it has taken and, in my view, it is the correct approach.

FMG's appeal included that the NNTT was at fault for failing to make findings as to the type, nature and quality of interference to the sites that was likely to occur by the grant of exploration licences. McKerracher J did not accept this argument, stating at [52] that:

...the Tribunal has considered the nature of the proposed exploration, including all the preventative measures and has considered the nature of the particular sites. It has published its findings in relation to all of those facts. In my view, it does not need to go further to say why a particular piece of exploration activity is likely to interfere with a particular site in the sense for which FMG contends.

Assessment of Appeal – the State

McKerracher J summarised the grounds of the State’s appeal, at [56]-[57], as follows:

... the Tribunal failed to make crucial findings of fact as to the nature of the interference with the five sites and accordingly, failed to carry out a ‘predictive assessment’ in accordance with s 237(b) NTA.

... the Tribunal failed to give reasons or adequate reasons for its Determination and that the lack of reasons in combination with the lack of relevant findings, the form of findings or the inferences made (that ‘inadvertent interference may occur’) and the nature of the evidence relied upon, meant that the Tribunal had failed to carry out the correct legal test.

McKerracher provided detailed reasons, from [60] to [90], for dismissing the State’s appeal at [91]. His Honour noted at [81] that:

... the Tribunal accurately identified the precise questions it had to ask. It then set out detailed summaries of the evidence and material which had been provided by the State, FMG and [the Yindjibarndi People]. It took into account all relevant matters, such as the State’s regulatory regime concerning Aboriginal cultural heritage. It then set out its findings of fact on all the matters that formed the basis of its Determination.

2. Legislation

Federal Parliament:

[Excess Exploration Credit Tax Bill 2014](#)

Note: This Bill does not directly impact native title, but it has a small impact on small exploration companies, some of which may be granted license to explore lands where native title exists.

4 December 2014 - House of Representatives

Stated purpose: A Bill for an Act to impose excess exploration credit tax, and for related purposes.

This Bill intends to recover costs to the Commonwealth that arise if an exploration company issues exploration credits in excess of their maximum exploration credit entitlement. Schedule 6 introduces an exploration development incentive by providing a tax incentive in order to encourage investment in small mineral exploration companies.

Impact of bill: Small exploration companies will have additional capacity to undertake exploration.

For the Bill, click [here](#). For the Explanatory Memorandum, click [here](#).

South Australia

[Stolen Generations \(Compensation\) Bill 2014](#)

4 December 2014 - House of Assembly

Stated purpose: A Bill for an Act to establish a scheme for ex gratia payments of compensation to be made to members of the Stolen Generations; and for other purposes.

The Preamble of the Bill states

- 1 The Parliament of South Australia recognises that—
 - a. former State and Commonwealth policies condoning or encouraging forcible removals were racist and caused emotional, physical and cultural harm to the Stolen Generations; and
 - b. indigenous children should not, as a matter of general policy, be separated from their families; and
 - c. the distinct identity of the Stolen Generations should be recognised.
- 2 In further recognition of the experiences of members of the Stolen Generations, and the impact of that experience on them and their families, it is the intention of the Parliament of South Australia to make ex gratia payments to eligible members of the Stolen Generations and their children.

Note: Clause 10 of the Bill was about payments being made from the Victim of Crimes Fund. This was erased, with the intention of the House of Assembly inserting a new Clause.

The Bill lapsed on 18 December 2014. Click here for further [information](#).

Western Australia

[Constitution Amendment \(Recognition of Aboriginal People\) Bill 2014](#)

11 June 2014 - introduced to the Legislative Assembly

02 December 2014- Referred to the Joint Select Committee on Aboriginal Constitutional Recognition

Stated purpose: The purpose of this Bill is to amend the *Constitution Act 1889* so that it recognises that Aboriginal people are the original custodians of Western Australia and that the settlement by European people was done without consultation with those original inhabitants.

The amendment also makes explicit that, through this Bill, Parliament seeks to effect reconciliation with Western Australia's Aboriginal people.

To access the Second Reading Speech, click [here](#). To access the Explanatory Memorandum, click [here](#)

3. Native Title Determinations

In December 2014, the [NNTT Website](#) listed 2 native title determinations.

Short Name (NNTT)	Case Name	Date (NNTT)	State	Outcome	Legal Process	Type	RNTBC /PBC
Gunggari People #3	Foster on behalf of the Gunggari People #3 v State of Queensland	05/12/2014	QLD	Native Title exists in the entire determination area	Consent	Claimant	Not registered
Pilki People	Willis on behalf of the Pilki People v State of Western Australia (No 2)	02/12/2014	WA	Native Title exists in the entire determination area	Consent	Claimant	Not registered

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 20 November 2014 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](#). 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.

National Registered Native Title Bodies Corporate (RNTBCs) Statistics (20 November 2014)

State/Territory	RNTBCs	No. of Successful (& conditional) claimant determinations for which RNTBC to be advised
Australian Capital Territory	0	0
New South Wales	4	0
Northern Territory	19	49
Queensland	66	3
South Australia	14	0
Tasmania	0	0
Victoria	4	0
Western Australia	30	3
NATIONAL TOTAL	137	55

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 20 November 2014.

5. Indigenous Land Use Agreements

In December 2014, 24 ILUAs were registered with the National Native Title Tribunal.

Registration date	Name	Tribunal file no.	Type	State or Territory	Subject matter
19/12/2014	Ngarla PBC KSCS ILUA	WI2014/016	Body Corporate	WA	Co-management, Access, Development
18/12/2014	Juru Protected Area ILUA	QI2014/074	Body Corporate	QLD	Co-management, Access
05/12/2014	Kullilli People/ Zenoni ILUA	QI2014/039	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Wiralla ILUA	QI2014/040	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Tickalara ILUA	QI2014/041	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Thargo ILUA	QI2014/042	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Autumnvale and The Pioneers ILUA	QI2014/043	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Congie ILUA	QI2014/044	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Kulki ILUA	QI2014/045	Area Agreement	QLD	Pastoral, Access

Registration date	Name	Tribunal file no.	Type	State or Territory	Subject matter
05/12/2014	Kullilli People/ Narylico ILUA	QI2014/046	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Clyde (aka Picarilli Downs) and Wongetta ILUA	QI2014/047	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Norley, Orient and Pinary ILUA	QI2014/048	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Kuling and Orinya ILUA	QI2014/049	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Talgeberry ILUA	QI2014/050	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Mirintu ILUA	QI2014/051	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Bellera, Bulloo Downs and Molesworth ILUA	QI2014/052	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Dynevov Downs ILUA	QI2014/053	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Ardoch ILUA	QI2014/055	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Mulianna ILUA	QI2014/060	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Moombidary ILUA	QI2014/061	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Kyeenee ILUA	QI2014/062	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Nockatunga ILUA	QI2014/063	Area Agreement	QLD	Pastoral, Access
05/12/2014	Kullilli People/ Pyampah (aka Wompa) ILUA	QI2014/064	Area Agreement	QLD	Pastoral, Access
02/12/2014	Kokatha Native Title Claim Settlement ILUA	SI2014/011	Body Corporate	SA	Native Title Settlement

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

6. Future Acts Determinations

In December 2014, 9 Future Acts Determinations were handed down.

Determination date	Parties	Tribunal File No	State or Territory	Decision/Determination
23/12/2014	Peter George Hunt and Robert John Davidson (grantee parties) - and - Widi People of the Nebo Estate #1 and Widi People of the Nebo Estate #2 (native title parties) - and - The State of Queensland (Government party)	QF2014/0005 QF2014/0006	QLD	Future Act – Can be done
22/12/2014	The State of Western Australia (Government party) - and - Paul Winston Askins (grantee party) - and - Mining Tenements Investments Pty Ltd (grantee party)	WO2014/0442 WO2014/0444	WA	Objection - Dismissed
16/12/2014	Scotty Birrell & Ors on behalf of Koongie-Elvire (WC1999/040) (native title party) - and - The State of Western Australia (Government party) - and - State Resources Pty Ltd (grantee party)	WO2013/0937	WA	Objection – Expedited Procedure Applies
16/12/2014	Bradford John Young and Julie Lynne Young (grantee party) - and - TR (dec) and Others on behalf of Kariyarra (WC1999/003) (native title party) - and - The State of Western Australia (Government party)	WF2014/0011 WF2014/0012	WA	Future Act – Can be done
05/12/2014	Leedham Papertalk and Others on behalf of Mullewa Wadjari (WC1996/093) (native title party) - and - The State of Western Australia (Government party) - and - Raymond Vincent McMurdo & John Wallace Petrie (grantee party)	WO2014/0688	WA	Objection – Expedited Procedure Applies
05/12/2014	Glen Colburg and Others on behalf of Southern Noongar (WC1996/109) (first native title party) - and - Hazel Brown and Others on behalf of Wagy! Kaip (WC1998/070) (second native title party) - and - The State of Western Australia (Government party) - and - Mount Gibson Mining Ltd (grantee party)	WO2013/0525 WO2013/0528	WA	Objection – Expedited Procedure Applies
04/12/2014	Balangarra Aboriginal Corporation Registered Native Title Body Corporate (WCD2013/005) (native title party) - and - The State of Western Australia (Government party) - and - Valperlon Bulk Commodities Pty Ltd (grantee party)	WO2013/0955	WA	Objection – Expedited Procedure Does Not Apply

03/12/2014	Keith Narrier and Others on behalf of Tjiwarl (WC2011/007) (native title party) - and - The State of Western Australia (Government party) - and - WA Mining Resources Pty Ltd (grantee party)	WO2013/1095	WA	Objection – Expedited Procedure Does Not Apply
03/12/2014	Western Desert Lands Aboriginal Corporation (WCD2002/002) (native title party) - and - The State of Western Australia (Government party) - and - Rumble Paterson Range Pty Ltd/JML Resources Pty Ltd (grantee party)	WO2013/1140	WA	Objection - Dismissed

7. Native Title in the News

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

8. Related Publications

AIATSIS

Land, Rights, Laws: Issues of Native Title – November 2014

Black and green revisited: understanding the relationship between Indigenous and environmental political formations.

In the latest issues paper from AIATSIS Research Publications, David Ritter explores the contemporary intersection of Indigenous and environmental interests, both internationally and in the Australian context. As CEO of Greenpeace Australia Pacific, Ritter is uniquely placed to examine Greenpeace’s successful alliances with Indigenous peoples in the Americas and the sub-Arctic as well as the underlying dynamics in Australia.

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

Kimberley Land Council

Kimberley Land Council Newsletter – December 2014

The latest issue of the Kimberley Land Council’s Newsletter is now available.

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

National Native Title Tribunal

Guide to future act decisions made under the right to negotiate scheme – 15 December 2014

This guide provides an updated summary of future act decisions made by the National Native Title Tribunal and Federal Court under the right to negotiate provisions of the *Native Title Act 1993 (Cth)* (‘the NTA’ or ‘the Act’).

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

South Australian Native Title Services

Aboriginal Way – December 2014

The Spring 2014 issue of South Australian Native Title Services publication ‘Aboriginal Way’ is now available.

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

Media Releases, News Broadcasts and Podcasts

Attorney-General for Australia

Communique: Native Title Ministers' Meeting – 16 December 2014

At a meeting in Brisbane today, Commonwealth, state and territory ministers responsible for native title met to continue discussions about improving the native title system. The meeting followed upon the decision of ministers to renew discussions about the operation of the *Native Title Act* in Darwin in August this year

For further information, visit the [Attorney-General's website](#).

Australian Human Rights Commission

Commission welcome reappointment of Mick Gooda – 11 December 2014

Professor Gillian Triggs, President of the Australian Human Rights Commission, has welcomed the Government's decision to reappoint Mick Gooda as Aboriginal and Torres Strait Islander Social Justice Commissioner.

For further information, visit the [Australian Human Rights Commission website](#).

Australian Law Reform Commission

Rights and freedoms in Commonwealth laws – Issues Paper – 10 December 2014

The Australian Law Reform Commission (ALRC) has released an issues paper, *Traditional Rights and Freedoms – Encroachments by Commonwealth Laws (IP 46)*, and has called for submissions from the public. Submissions close on 27 February 2015.

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

ALRC President re-appointed to lead the ALRC in its 40th year – 12 December 2014

Professor Rosalind Croucher has been re-appointed as the President of the Australian Law Reform Commission (ALRC) for one more year, until December 2015. Professor Croucher said, "I'm delighted to have this opportunity to lead the ALRC during its 40th anniversary year. During this time I will head up the Inquiry into Commonwealth laws that encroach on traditional rights, freedoms and privileges—a very broad and important inquiry that goes to the fundamental principles of our liberal democracy—as well as overseeing the completion of the Review of the *Native Title Act* due to report in March 2015.

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

Central Land Council

What is Happening with the Weather? Climate Change Book Launch at Santa Teresa – 8 December 2014

On the 9th December, the Central Land Council's Ltyentye Apurte Rangers proudly launched a community resource book about climate change. The resource is entitled "*Climate Change: What is Happening with the Weather in Central Australia*". The resource is one of the main outcomes of a climate adaptation project that saw them collaborate with the CSIRO, Ninti One, Tangentyere Land and Learning and the Ltyentye Apurte (Santa Teresa) community.

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

Kimberley Land Council

Kimberley rangers discover Australia's fastest snake on the Dampier Peninsula – 17 December 2014

After increased biodiversity survey efforts on the Dampier Peninsula, the Kimberley rangers have discovered Australia's fastest snake; the greater black whip snake, for the first time. Along with the discovery of the whip snake, rangers also found three unnamed gecko species, recorded six nationally threatened species and found a tree frog species 100km south from where it had previously been located.

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

National Environmental Research Program

Video: Working together on Lama Lama wetlands – 5 December 2014

Working with the North Australian Indigenous Land and Sea Management Alliance Limited (NAILSMA) and the South Cape York Catchments (SCYC), the Lama Lama Rangers have developed a rapid assessment method, providing them with improved capacity to monitor the wetlands on their country more often.

For further information, visit the [National Environmental Research Program website](#).

National Resources & Mines

Gunggari People's native title rights recognised – 8 December 2014

The Federal Court of Australia today formally recognised the Gunggari People's native title rights and interests over 136 square kilometres of land and waters in south west Queensland.

For further information, visit the [Queensland Government website](#).

North Queensland Land Council

Moving on Economic Development – 6 December 2014

A week long workshop and economic development forum was held by NQLC with assistance from AIATSIS to work towards improving support mechanisms for PBCs throughout the region. It also aimed to assist PBCs with moving on post determination and connecting them to regional economic opportunities that may exist.

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

Yamatji Marlpa Aboriginal Corporation

Traditional Owners and iron ore miner agree to work together in heritage-listed Weld Range – 2 December 2014

The Wajarri Yamatji people of Western Australia have made an agreement with iron ore miner Sinosteel Midwest Corporation Ltd over their Weld Range project 70 kms northwest of the town of Cue in WA's Midwest. The agreement sets out agreed exclusion zones around areas of importance in the National Heritage Listed Weld Range, where Sinosteel has agreed never to mine.

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

9. Training and Professional Development Opportunities

AIATSIS

2015 Stanner Award

The 2015 Stanner Award is now open. Applications close on 30 January 2015. The award, provided by AIATSIS, is for the best academic writing by an Aboriginal or Torres Strait Islander writer. The winner will be given a glass statuette, \$5000, up to 50 hours editorial and mentoring support – and publication by Aboriginal Studies Press. This year any theses which are hosted on a university repository will be eligible.

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

The Aurora Project

[See the Aurora Project: 2014 Program Calendar](#) for information on training and personal development for staff of native title representative bodies, native title service providers, RNTBCs and PBCs.

ANU College of Arts and Social Sciences

Indigenous Australian Graduate Scholarship

The ANU College of Arts and Social Sciences Indigenous Australian Graduate Scholarship is on offer to Aboriginal and Torres Strait Islander students undertaking full-time or part-time study in any postgraduate coursework program offered by the ANU College of Arts and Social Sciences. Applications close on 23 January 2015.

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

Deakin University

PhD Scholarship - Reconciling Biological and Social Indigeneity in the Genomic Era

Deakin University is seeking an outstanding scholar for a full-time PhD project and scholarship associated with the ARC Discovery Project 'Reconciling Biological and Social Indigeneity in the Genomic Era', led by A/Prof Emma Kowal. The successful candidate will receive a stipend of \$25,849 per annum, tax exempt for 3 years and commence by April 2015. Applications close on 27 February 2015.

For further information, visit the [Deakin University website](#).

Kowanyama Land Office

Lands Manager Position

The Kowanyama Land Office is looking for a Lands Manager. The Lands Manager will lead a team of 9 staff committed to the achievement of Aboriginal management of the natural and cultural resources of the land and sea by the Traditional Owners.

For further information, visit the [precrutment 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

Flinders University

Cultural Heritage and the Law Summer School

In 2015 the Archaeology Department at Flinders University is offering the graduate level topic as an intensive summer school program. It is open to students and to individuals who wish to take it as a short course.

Date: 27-30 January 2015

Location: Flinders University

For further information please email Ellen McPharlin – ellen.mcpharlin@flinders.edu.au

Australian National University

Alternative Pathways to Outcomes in Native Title Anthropology

Increasingly, NTRBs/NTSPs and Indigenous people are seeking out alternative means of progressing their claims within the existing framework of the *Native Title Act 1993 (Cth)*. This has included, for example, 'alternative settlement' packages in both Victoria and south-west Western Australia. In addition, claims are being constructed at broader regional levels, maximising developments to definitional concepts such as 'society'.

Date: 12-13 February 2015

Location: University of Melbourne, Victoria

For further information please contact the Conference Secretary Elizabeth Watt – elizabeth.watt@anu.edu.au

Indigenous Policy in Action

Indigenous Economic Development, Policy & Service Delivery

Indigenous Policy in Action is a two-day forum that serves as a platform for key stakeholders from the Government, Community and Private Sector to address a wide variety of issues affecting the Indigenous population in Australia.

Date: 12-13 March 2015

Location: Perth, Western Australia

For further information, visit the [Indigenous Policy in Action website](#).

AIATSIS

Managing Information in Native Title (MINT) Workshop

The AIATSIS Native Title Research Unit (NTRU) is organising a workshop for NTRBs and PBCs to discuss the challenges of managing native title information and start working together towards some shared solutions.

Date: 16-17 March 2015

Location: Mabo Room, AIATSIS, Canberra

For further information please contact the [MINT team](#)

Australian National University

Key issues in Native Title Anthropology Course

During the 2015 Autumn Session, the ANU School of Archaeology and Anthropology is offering *Key Issues in Native Title Anthropology (ANTH8055)*, an accredited postgraduate course on native title anthropology. The course will be delivered as an intensive over five days.

Date: 13-17 April 2015

Location: ANU, Canberra

For further information please contact Nic Peterson – Nicolas.peterson@anu.edu.au

Annual Conference of Swedish Anthropological Association (SANT) 2015)

DO THE RIGHT THING! Anthropology and Morality

A conference about anthropology and morality which will discuss moral and morally-based ethnography, moral practices and moral discourses and moral dimensions of anthropological practice. Deadline for panels and papers: Sunday 18 January 2015.

Date: 17-19 April 2015

Location: Lund University

For further information please email Tova Höjdestrand – tova.hojdestrand@soc.lu.se

National Native Title Conference 2015

Leadership, legacy and opportunity

In 2015 the National Native Title Conference will be co-convened by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) and the Cape York Land Council (CYLC) on the traditional lands of the Kuku Yalanji people, the traditional owners of Port Douglas region. If you would like to submit a proposal to present at the National Native Title Conference 2015, please complete our 'Call for Papers' form with an abstract and biography.

Date: 16-18 June 2015

Location: Sheraton Mirage, Port Douglas, QLD

Further information can be found on the [AIATSIS website](#)

SIEF 12th Congress

Utopias, Realities, Heritages. Ethnographies for the 21st century

The International Society for Ethnology and Folklore is calling for papers for the 12th Congress to be held in Croatia in June 2015.

Date: 21-25 June 2015

Location: Zagreb, Croatia

Further information can be found on the [SIEF website](#)

AAS 2015 Conference

Moral Horizons

The Australain Anthropological Society's conference theme is an invitation for ethnographic research and anthropological theorisations that can contribute, critically or otherwise, to widen and multiply those moral horizons.

Date: 1-4 December 2015

Location: University of Melbourne

For further information please email Catherine Gressier – catherine.gressier@unimelb.edu.au



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.

