



WHAT'S NEW IN NATIVE TITLE

JULY 2013

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1. Case Summaries

[Mudgee Local Aboriginal Land Council v Attorney General of NSW \[2013\] FCA 668](#)

27 June 2013, Non-Claimant Determination, Federal Court of Australia – Sydney

Jagot J

Before determining the substantive question of whether native title exists, the Court considered whether the application satisfied the necessary requirements for the making of an order. It was held that evidence provided by Ms Lonsdale, a Chairperson of the Mudgee Mudgee Local Aboriginal Land Council, established that the application had been advertised in accordance with s 66 of the NTA. Her affidavit also established that although a native title claim had been commenced in relation to the land, these proceedings had been dismissed. Finally, the Court held that it was satisfied that the application was unopposed and that it was within the Court’s power to make the order.

The Court then went on to consider whether it was satisfied on the basis of the evidence provided by the Applicant that native title did not exist in relation to the land. Particular importance was placed on the affidavit evidence provided by two Aboriginal elders of the Wiradjuri people in the local Mudgee area. These affidavits claimed that the land contained no sites of cultural significance and that the Wiradjuri people had no traditional laws or customs connected with the land.

It was held that this evidence was sufficient to satisfy the Court that native title did not exist in relation to the lot of land. The Court made an order to that effect, allowing the applicant to continue with their development application.

[Lynch on behalf of the members of the Alherramp/Rwelyapet, Ilewerr, Mamp/Arrwek, Tywerl, Arrangkey, Anentyerr/Anenkerr and Ntyerlkem/Urapentye Estate Groups v Northern Territory of Australia \[2013\] FCA 636](#)

2 July 2013, Federal Court of Australia – Laramba Community

[Napangardi on behalf of the members of the Jiri/Kuyukurlangu, Kumpu, Kunajarrayi, Mikanji, Pikilyi, Pirrpirpakarnu, Wantungurru, Wapatali/Mawunji, Warlukurlangu, Yamaparnta, Yarripiri and Yarungkanyi/Murrku Estate Groups v Northern Territory of Australia \[2013\] FCA 637](#)

3 July 2013, Federal Court of Australia – 8 Mile Bore

Consent Determinations

Reeves J

Both of these matters are consent determinations that non-exclusive native title rights and interests exist over land and waters subject to pastoral leases to the north-west of Alice Springs. The claims were heard separately on consecutive days because of differences in the claim groups. Both claims were originally filed over areas subject to an application for an exploration licence but were subsequently discontinued and new claims filed over the entirety of the land subject to pastoral leases.

The first claim was made by twelve groups comprising the Ngaliya Warlpiri society over approximately 7,400 square kilometres of land and waters land within the Mount Doreen pastoral lease and parts of the North-West Stock Route (350 kilometres north-west of Alice Springs). The second claim was made by seven groups over approximately 5,600 square kilometres of land and waters including all of the land within the Napperby pastoral lease and part of the North-West Stock Route (200 kilometres to the north-west of Alice Springs).

In both cases the parties had reached an agreement on the external boundaries of the determination area in which native title existed and on a number of areas within these boundaries which should be excluded from the claim including roads traversing the land, land held in fee simple, areas the subject of pastoral improvements and public works. The determination areas were both subject to pastoral leases issued within the last 20 years. The Court noted that this was only recent history compared with the claimant's historical relationship with the land.

Before the Court exercised its power under s 87 of the Native Title Act 1993 (Cth) (NTA) to make a consent determination in accordance with the written agreement of the parties, it considered whether the conditions in s 87(1) of the NTA had been met. The Court considered each of these requirements and concluded that in both cases:

- (a) The notice period requirement under s 66 of the NTA had been met: s 87(1)
- (b) The requirement that the agreement relate to the proceedings had been met: s 87(1)(a)
- (c) The agreement had been reduced to writing, signed by the parties and filed with the Court: s 87(1)(b)
- (d) The making of an order consistent with the terms of the agreement would be within the power of the Court: s 87(1)(c)
- (e) It was appropriate for the Court to make a determination consistent with the terms of the parties' agreement: s 87(1A).

In relation to whether it was appropriate for the Court to make an order under s 87(1A), the Court noted that this discretion must be exercised in accordance with the object of the Act to encourage the resolution of disputes outside of the litigation process. The Court placed importance on the submissions of all the parties which stated that: all parties received legal representation; the Northern Territory Government actively participated in the negotiations; thorough assessments of the other interests within the determination area were conducted; and that a determination would be justified in these circumstances.

The parties in both matters were acknowledged by the Court for their efforts in reaching an agreement and the Court was ultimately satisfied that a consent determination should be made in accordance with the terms of their agreement. The Ngalyia Aboriginal Corporation is the Prescribed Body Corporate for the First Napperby claim group and the Alherramp Ilewerr Mamp Arrangkey Tywerl Aboriginal Corporation for the Mount Doreen claim group.

[Gandangara Local Aboriginal Land Council v Attorney General of New South Wales \[2013\] FCA 646](#)

3 July 2013, Non-claimant determination, Federal Court of Australia – Sydney

Griffiths J

This matter dealt with an application by the Gandangara Local Aboriginal Land Council (the Applicant) for a determination that native title does not exist in relation to a particular lot of land. The Applicant wanted to sell the land to a developer, however s 42(1) of the Aboriginal Land Rights Act 1983 (NSW) prevents any dealings with land unless a determination has been made that native title does not exist in the area. The application was unopposed, although it was significantly delayed as a result of evidential issues.

The Applicant's original basis for the application was that no native title interests existed over the land and evidence in the form of affidavits were provided in support of this. However, the Attorney-General of NSW claimed the evidence did not support the conclusion that the land was not of any cultural significance, only that the Applicant had considered the cultural significance of the land. Particular attention was drawn to the Applicant's failure to adduce affidavit evidence by a qualified Aboriginal elder with knowledge of the cultural and heritage significance of the land, ordinarily the most valuable evidence accompanying these types of applications.

The Applicant was given the opportunity to provide further evidence in support of the application, which included: an affidavit by an Aboriginal elder; further documentary evidence of the resolution made by the Gandangara Local Aboriginal Land Council Gandangara Local Aboriginal Land Council Gandangara Local Aboriginal Land Council; and a heritage assessment. On the basis of this new evidence the Court was satisfied that no native title interests existed over the land.

Additional evidence was also adduced by the Applicant to support the alternative basis that native title rights which may have existed over the land had been wholly extinguished as a result of a previous exclusive possession act (a 'previous exclusive possession act' is a dealing with land which can diminish, impair or extinguish native title). Although the Applicant's evidence in relation to this claim was weak, the Attorney-General of NSW submitted evidence of the granting of a fee simple over the land which was held to constitute a previous exclusive possession act under s 23C of the *Native Title Act 1993* (Cth).

Despite the evidentiary difficulties, the Applicant successfully satisfied the Court on both alternatives that native title did not exist and a determination to this effect was made by the Court, thereby allowing the applicant to deal with the land.

[Sharpe v State of Western Australia \[2013\] FCA 599](#)

19 June 2013, Consent determination, Federal Court of Australia – Joowaaringarri (Joy Springs)

Gilmour J

This matter is a determination that native title is held by the Gooniyandi People in an area to the east and south of Fitzroy Crossing in the Kimberley region of Western Australia. Exclusive native title rights and interests were recognised over approximately half of the determination area and non-exclusive native title rights and interests over the remainder of the determination area. The Court held that native title rights and interests do not exist with

respect to pastoral improvements on pastoral leases, including any buildings, airstrips, roads, watering points and stockyards.

A number of native title applications were lodged from 1997 to 2000, which were combined under a lead application (Gooniyandi application) in 2000. The area of the Gooniyandi Application covers almost 11,209 square kilometres of land and waters, including wetlands and riverine systems, located to the east and south of Fitzroy Crossing in the Kimberley region of Western Australia. The Gooniyandi Application Area includes the Bohemia Downs, Mt Pierre, Christmas Creek, Louisa Downs Pastoral Leases, parts of Gogo, Fossil Downs, Larrawa, Emmanuel and Margaret River Pastoral Leases, areas of land designated as Reserve, and a small area of unallocated Crown land.

Through mediation, the parties (including the Applicant, the State of Western Australia and the holders of a number of pastoral leases) have reached an agreement as to the terms of the determination of native title. The Applicant and the State jointly submit that the ethnographic and other materials demonstrate that the Gooniyandi People are bound together by a normative system of laws and customs and have maintained a physical presence in the determination area since the declaration of sovereignty over Western Australia.

The Gooniyandi People are those descended from named apical ancestors and Aboriginal persons who self-identify and are recognised as Gooniyandi under traditional law and custom. The Gooniyandi native title holding group comprises those persons who exercise rights and interests over Gooniyandi country. The Gooniyandi People believe that Gooniyandi country is that onto which the Gooniyandi language has been inscribed by the travels of ancestral beings, during the creative epoch they call Ngarranggarni. The Gooniyandi People continue to regard Ngarranggarni as the Law that encompasses all aspects of their lives. They retain knowledge of stories and songs, acknowledge traditional practices and pass on that knowledge and practice to younger generations.

Justice Gilmour considered two issues around authorisation: (i) 9 of the 14 persons named as Applicant had died; and (ii) the claim group is constituted differently in the Gooniyandi Application and the proposed Minute. His Honour noted that the surviving members of the applicant group had agreed to the terms of the Minute, without any objection. The changed description of the claim group was the result of further research and was extensively considered by an anthropologist with specialised knowledge. His Honour noted that the Court is not limited to making a determination in the form of the application, provided the application is valid. His Honour gave weight to the fact that the nature of any defect in authorisation was not the result of any dispute between the Gooniyandi people. The court therefore decided it was in the interests of justice to make the determination sought by the parties.

The Court was satisfied that it would be appropriate and within power to make orders under ss 87 and 94A of the NTA. The Court also made orders that Gooniyandi Aboriginal Corporation RNTBC shall hold the determined native title in trust for the native title holders pursuant to s 56(2)(b) of the NTA. Justice Gilmour stated that the RNTBC make seek a variation of the determination in the event that the position with respect to pastoral improvements (as stated in [De Rose v South Australia \(No 2\) \[2005\] FCAFC 110](#)) is overturned in an appeal to the High Court from the decision in [Brown \(on behalf of the Ngarla People\) v State of Western Australia \[2012\] FCAFC 154](#).

[De Rose v State of South Australia \[2013\] FCA 687](#)

16 July 2013, Consent determination, Federal Court of Australia – Warura

Mansfield J

This matter concerns the recognition of the Tjajiwara Unmuru People's non-exclusive native title rights and interests in an area of approximately 4500 square kilometres of pastoral lease land in the central northern part of South Australia. The determination are adjoins the earlier De Rose Hill native title claim ([De Rose v State of South Australia](#)

[\(No 2\) \[2005\] FCAFC 110](#)). The land and waters in the determination area are covered entirely by non-exclusive pastoral leases.

The Court recognised a number of non-exclusive rights and interests, including the rights to access and camp on the area, enjoy the land, teach and conduct ceremonies and to protect sites of significance on the area. The native title rights and interests are for personal, domestic and communal use but do not include commercial use of the determination area or the resources from it.

The application was made on 17 December 2010 on 17 December 2010. Justice Mansfield said the fact it had proceeded much more quickly than past experience would have dictated is a great credit of the parties. The parties included the Tjawiwara Unmururu People, the State of South Australia, the lessees of the Mount Cavanagh (or Ayers Range South) and Teyon pastoral stations, and the two miners who have exploration licences over part of the claim area.

The claim group membership substantially mirrors that of the earlier De Rose Hill native title claim. The Applicant and the State therefore relied on the extensive evidence given in that matter, in addition to further anthropological evidence to substantiate connection to the particular area. The native title claim group identify as Yankunytjatjara People with some Pitjantjatjara ancestry. His Honour made the following comments on the evidence:

The evidence suggests that the Yankunytjatjara people have always moved freely between the pastoral stations that make up the Tjawiwara Unmururu areas. The Yankunytjatjara are recognised as part of the Western Desert Bloc society. This bloc consists of a number of groups of people who speak variants of a single language that are mutually intelligible (at least in the case of adjacent groups) and have similar culture. Their country includes vast areas of Australia's interior from Western Australia, into the north-west of South Australia and the south-west of the Northern Territory.

The claimants gave accounts of travelling through the claim area, hunting and gathering traditional foods and being taught about the tjukurpa (dreaming) sites and the associated stories relating to how ancestral creatures created significant features of the landscape (such as waterholes) in the course of their progress across the land. This knowledge has been passed down from generation to generation and connects the claimants not only to one another but also to the physical and spiritual country of the land. The Court accepted, on the material, that the native title rights and interests under claim arise from the claimants' traditional law and customs, which have evolved from the native title rights and interests as they were likely to have been at sovereignty.

The Court was satisfied the requirements of s225 of the *Native Title Act 1993* (Cth) (NTA) were met. His Honour was further satisfied on the evidence that it should make the determination of native title according to s 87 of the NTA. The Court made orders that Tjawiwara Unmururu Aboriginal Corporation is to be the prescribed body corporate for the purposes of s 57(2) of the NTA.

2. Legislation

Terms of Reference: Review of the *Native Title Act* (Cth)

The Australian Law Reform Commission (ALRC) welcomes the appointment by the Federal Attorney-General, the Hon Mark Dreyfus QC MP, of [Professor Lee Godden](#) as a Commissioner to lead the ALRC's recently announced Inquiry into the *Native Title Act 1993* (Cth).

Professor Godden has had a distinguished university teaching and research career spanning more than twenty years. She is a member of the Academic Advisory Group, Section on Energy, Environment, Resources and Infrastructure Law, of the International Bar Association. Most recently, she has held a number of Australian Research Council Discovery and Linkage Grants, including being part of the team of investigators for the Agreements, Treaties and Negotiated Settlements (ATNS) project at the University of Melbourne. This project, in its tenth year, has examined

agreement making with Indigenous peoples in Australia and internationally. Professor Godden has published widely in the areas of Environmental Law, Property and Indigenous people's land rights and native title.

The [Terms of Reference](#) for this Inquiry ask the ALRC to review the connection requirements relating to the recognition and scope of native title rights and interests and any barriers to access to justice for claimants, potential claimants and respondents imposed by the Native Title Act's authorisation and joinder provisions. The ALRC has been asked to consider the Act and any other relevant legislation, including how laws and legal frameworks operate in practice; any relevant case law; relevant reports, reviews and inquiries regarding the native title system and the practical implementation of recommendations and findings; the interests of key stakeholders; and any other relevant matter concerning the operation of the native title system.

The ALRC expects to release a first consultation paper for this Inquiry towards the end of November. The ALRC will provide regular updates about the progress of this inquiry. [Subscribe to the Native Title Inquiry](#) on the ALRC website. Further information about the ALRC's inquiry work can be found at www.alrc.gov.au/inquiries.

The ALRC must provide its final report to the Attorney-General by March 2015.

3. Indigenous Land Use Agreements

The [Native Title Research Unit](#) within AIATSIS maintains an [ILUA summary](#) which provides hyperlinks to information on the [National Native Title Tribunal \(NNTT\)](#) and the [Agreements, Treaties, and Negotiated Settlements \(ATNS\)](#) websites.

In July 2013, 3 ILUAs were registered with the National Native Title Tribunal.

Registration date	Name	Tribunal file no.	Type	State or Territory	Subject matter
4/7/2013	Dja Dja Wurrung and Fiddlers Creek Gold Mining Company	VI2013/001	AA	Vic	Mining
5/7/2013	RTIO and Yinhawangka People ILUA	WI2013/001	AA	WA	Mining
5/7/2013	Nathan Dam, Glebe Weir Raising and Pipelines Project ILUA	QI2013/009	AA	Qld	Development Infrastructure

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

4. Native Title Determinations

The [Native Title Research Unit](#) within AIATSIS maintains a [determinations summary](#) which provides hyperlinks to determination information on the Austlii, [NNTT](#) and [ATNS](#) websites.

In July 2013, 5 native title determinations were handed down.

Short Name (NNTT)	Case Name	Date (NNTT)	State	Outcome	Legal Process	Type	RNTBC/PBC
Napperby Perpetual Pastoral Lease	Lynch on behalf of the members of the Alherramp/Rwelyapet, Ilwerr, Mamp/Arrwek, Tywerl, Arrangkey, Anentyerr/Anenkerr and Ntyerlkem/Urarentye Estate Groups v Northern Territory of Australia [2013] FCA 636	2/7/2013	NT	Native title exists in parts of the determination area	Consent determination	Claimant	Alherramp Ilwerr Mamp Arrangkey Tywerl Aboriginal Corporation

Mt Doreen Perpetual Pastoral Lease	Napangardi on behalf of the members of the Jiri/Kuyukurlangu, Kumpu, Kunajarrayi, Mikanji, Pikilyi, Pirripirpakarnu, Wantungurru, Wapatali/Mawunji, Warlukurlangu, Yamaparnta, Yarripiri and Yarungkanyi/Murrku Estate Groups v Northern Territory of Australia [2013] FCA 637	3/7/2013	NT	Native title exists in parts of the determination area	Consent determination	Claimant	Ngalyia Aboriginal Corporation
Gandangara Local Aboriginal Land Council	Gandangara Local Aboriginal Land Council v Attorney General of New South Wales [2013] FCA 646	3/7/2013	NSW	Native title does not exist	Unopposed determination	Non-claimant	
Tjayiwara Unmuru Native Title Claim	De Rose v State of South Australia [2013] FCA 687	16/7/2013	SA	Native title exists in parts of the determination area	Consent determination	Claimant	Tjayiwara Unmuru Aboriginal Corporation
Wiluna	WF (Deceased) on behalf of the Wiluna People v State of Western Australia [2013] FCA 755	29/7/2013	WA	Native title exists in parts of the determination area	Consent determination (Conditional)	Claimant	

5. Future Acts Determinations

The [Native Title Research Unit](#) within AIATSIS maintains summaries of Future Acts Determinations summary which provides hyperlinks to information on the [National Native Title Tribunal \(NNTT\)](#).

In July 2013, **24** Future Acts Determinations were handed down.

Determination date	Parties	NNTTA number	State or Territory	Decision/Determination
1/7/2013	The Buurabalayji Thalanyji Aboriginal Corporation - (native title party) (WCD2008/003) -and- The State of Western Australia (Government party) -and- FMG Pilbara Pty Ltd (grantee party)	NNTTA 96	WA	Objection - Dismissed
2/7/2013	Alan Jones & Ors on behalf of Ballardong (native title party) - and - The State of Western Australia (Government party) - and - Greenstone Metals Ltd (grantee party)	NNTTA 81	WA	Objection - Dismissed
2/7/2013	Native title parties as listed in the attached schedule (native title parties) - and - State of Western Australia (Government party) - and - Grantee parties as listed in the attached schedule (grantee parties)	NNTTA 80	WA	Objection - Dismissed

2/7/2013	Cyril Barnes & Ors on behalf of Central East Claim Group (native title party) - and - The State of Western Australia (Government party) - and - Royce William Allen (grantee party)	NNTTA 79	WA	Objection - Dismissed
2/7/2013	VARIOUS DISMISSAL DATES (See Schedule in determination document) Native title parties as listed in the attached schedule (native title parties) - and - State of Western Australia (Government party) - and - Grantee parties as listed in the attached schedule (grantee parties)	NNTTA 78	WA	Objection - Dismissed
2/7/2013	Wanparta Aboriginal Corporation RNTBC (native title party) - and - The State of Western Australia (Government party) - and - Bradford John Young and Julie Lynne Young (grantee party)	NNTTA 77	WA	Objection - Expedited Procedure Applies
5/7/2013	WF (deceased) and Others on behalf of the Wiluna Native Title Claimants (WC1999/024) (native title party) - and - The State of Western Australia (Government party) - and - Kingx Pty Ltd (grantee party)	NNTTA 83	WA	Objection - Expedited Procedure Does Not Apply
5/7/2013	WF (deceased) and others on behalf of the Wiluna Native Title Claimants (WC1999/024) (native title party) - and - The State of Western Australia (Government party) - and - Bogada Gold Pty Ltd (grantee party)	NNTTA 82	WA	Objection - Expedited Procedure Does Not Apply
8/7/2013	Ike Simpson & Ors on behalf of Wajarri Yamatji (WC2004/010) (native title party) - and - The State of Western Australia (Government party) - and - Peter Andrew Wiltshire (grantee party)	NNTTA 84	WA	Objection - Dismissed
9/7/2013	Taroom Coal Pty Ltd (grantee party) - and - Richard Doyle and Ors on behalf of Iman People #2 (QC1997/055) (native title party) - and - The State of Queensland (Government party)	NNTTA 85	Qld	Future Act - NIGF Satisfied - Tribunal has jurisdiction
12/7/2013	Kevin Cosmos and Others on behalf of Yaburara & Mardudhunera (WC1996/089) (native title party) - and - The State of Western Australia (Government party) - and - Croydon Gold Pty Ltd (grantee party)	NNTTA 86	WA	Objection - Expedited Procedure Applies
15/7/2013	Raymond William Ashwin, June Rose Ashwin, Geoffrey Alfred Ashwin and Ralph Edward Ashwin on behalf of the Wutha People (WC1999/010) (native title party) - and - The State of Western Australia (Government party) - and - Peter Romeo Gianni (grantee party)	NNTTA 88	WA	Objection - Expedited Procedure Applies

15/7/2013	Venus Metals Corporation Limited (Applicant/grantee party) - and - Irwin Tasman Lewis, Darryl Noel Woods, Name withheld for cultural reasons, Julie Lewis, Bill Lewis, Gregory Denis Martin, Gloria May Lewis (WC1997/072) (native title party) - and - The State of Western Australia (Government party)	NNTTA 87	WA	Consent determination: future act can be done
17/7/2013	Native title parties as listed in the attached schedule (native title parties) - and - State of Western Australia (Government party) - and - Grantee parties as listed in the attached schedule (grantee parties)	NNTTA 91	WA	Objection - Dismissed
18/7/2013	Keith Narrier & Ors on behalf of Tjiwarl (native title party) - and - The State of Western Australia (Government party) - and - Stratum Metals Ltd (grantee party)	NNTTA 92	WA	Objection - Dismissed
18/7/2013	Native title parties as listed in the attached schedule (native title parties) - and - State of Western Australia (Government party) - and - Grantee parties as listed in the attached schedule (grantee parties)	NNTTA 93	WA	Objection - Dismissed
18/7/2013	Leedham Papertalk & Ors on behalf of Mullewa Wadjari (native title party) - and - The State of Western Australia (Government party) - and - Hard Rock Resources Pty Ltd (grantee party)	NNTTA 94	WA	Objection - Dismissed
19/7/2013	Robert Clancy and Others on behalf of Wulli Wulli People #2 (QC2011/005)(native title party) - and - The State of Queensland (Government party) - and - AEON Metals Ltd (grantee party)	NNTTA 95	Qld	Objection – Application not accepted
25/7/2013	The Buurabalayji Thalanyji Aboriginal Corporation - (native title party) (WCD2008/003) -and- The State of Western Australia (Government party) -and- FMG Pilbara Pty Ltd (grantee party)	NNTTA 99	WA	Objection - Dismissed
26/7/2013	Native title parties as listed in the attached schedule (native title parties) - and - State of Western Australia (Government party) - and - East Pilbara Iron Pty Ltd (grantee parties)	NNTTA 97	WA	Objection - Dismissed

26/7/2013	Native title parties as listed in the attached schedule (native title parties) - and - State of Western Australia (Government party) - and - Grantee parties as listed in the attached schedule (grantee parties)	NNTTA 98	WA	
29/7/2013	Josephine Forrest and Others on behalf of Yi-Martuwarra Ngurrara (WC2012/002) (Yi-Martuwarra Ngurrara native title party) - and - Butcher Wise and Others on behalf of the Kurungal Native Title Claimants (WC1997/101) (Kurungal native title party) - and - Gooniyandi Aboriginal Corporation RNTBC (Gooniyandi native title party) - and - The State of Western Australia (Government party) - and - Brockman Exploration Pty Ltd (grantee party)	NNTTA 100	WA	Objection - Expedited Procedure Does Not Apply
30/7/2013	Harvey Murray on behalf of the Yilka Native Title Claimants (WC2008/0005) (native title party) - and - The State of Western Australia (Government party) - and - Goldphyre WA Pty Ltd (grantee party)	NNTTA 101	WA	Objection - Expedited Procedure Does Not Apply
31/7/2013	Harvey Murray on behalf of the Yilka Native Title Claimants (WC2008/05) (native title party) - and - The State of Western Australia (Government party) - and - Sammy Resources Pty Ltd (grantee party)	NNTTA 104	WA	Objection - Expedited Procedure Applies

6. 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.

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 [NNTI](#) and [ATNS](#) websites.

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 native title.

8. Related Publications

The Treasury

Taxation of Native Title and Traditional Owner Benefits and Governance Working – 1 July 2013

Land rights, native title and other land-related agreements, together with payments and benefits under these agreements are vital tools for increasing Indigenous economic development. Under the right circumstances, they can also bring a number of important broader social benefits including improved community functioning, education, health and wellbeing. The Taxation of Native Title and Traditional Owner Benefits and Governance Working Group was established within the [Treasury](#) to examine existing arrangements for holding, managing and distributing land-related payments, and to identify options to strengthen governance and promote sustainability

Available at [Treasury online](#).

Crikey

Mapping Indigenous land wealth: the revolution we had to have – 4 July 2013, Prof Jon Altman

At the recent National Native Title Conference in Alice Springs, Prof Jon Altman presented a paper on the ongoing research with Francis Markham on mapping Indigenous lands and their values using GIS technology. The scale of Indigenous repossession of land through a series of land rights and native title laws and what it means for Indigenous peoples is the topic of interest in this latest article.

Available at [Crikey online](#).

Central Desert Native Title Services

Country, Culture, Futures. Volume 2 – July 2013

Country, Culture, Futures is the latest edition of the biannual newsletter produced by Central Desert Native Title Services (CDNTS) Land and Community Program. The newsletter includes stories from the Birriliburu Indigenous Protected Area (IPA) declaration, the Wiluna school bush program and highlights from the Women's Ranger team.

Available at [CDNTS online](#).

South Australia Native Title Services

Aboriginal Way Issue 53 – July 2013

In this edition, South Australia Native Title Services (SANTS) discuss a range of topics relevant to Aboriginal people. These include the cover story 'The Journey to Recognition is underway', where the Recognise campaign walked its final leg into Adelaide on 30 June. Also discussed are 'National Sorry Day Celebrations 2013' and 'Funding secured for nationwide Indigenous rangers program'.

Available at [SANTS online](#).

Centre for Aboriginal Economic Policy Research

Recent growth in Indigenous self-employed and entrepreneurs Working paper 91 – July 2013, Boyd Hunter

Historically, Indigenous people have largely been excluded from building businesses in Australia. Recent reductions in Indigenous disadvantage, especially improvements in Indigenous skills, may have combined with other policy changes to make it easier for Indigenous entrepreneurs to set up successful businesses. Indigenous self-employment has increased substantially in the last two decades. Government organisations and programs that finance and support the success of Indigenous business provide one explanation for this trend. However private sector initiatives also have a role to play. Several mining companies have made large commitments to allocate contracts to local Indigenous people. This paper provides an estimate of the size of the Indigenous self-employment sector in 2011 that is smaller than the public commitments from Fortescue Metals Groups and Rio Tinto. Nevertheless the recent growth in self-employment raises the issue of capacity constraints in a rapidly expanding Indigenous business sector. Another relevant issue is the need to reflect on a justifiable definition of an Indigenous business. Clearly, Indigenous business is qualitatively different to Indigenous self-employment, but policy-makers and statistical collections need

to reflect on the definition of Indigenous business and the extent of Indigenous control and participation that make these businesses Indigenous.

Available at [CAEPR online](#).

Is native title recognition enough?

On Line Opinion – 15 July 2013, Brad Saunders

In any debate about ‘What does native title bring to Aboriginal groups?’, the discussion inevitably gravitates towards economic outcomes and how native title will bring economic independence for Aboriginal and Torres Strait Islander peoples. However for the Gunggari peoples, especially in the short term of 3-5 years it is not likely that native title will bring noticeable economic gains. For Gunggari peoples the focal point for their native title battle has almost singularly been on the journey to be recognised as the indisputable traditional owners for the claim area and to ultimately be granted native title. Is native title recognition enough? How can it provide sustainable outcomes for the future Gunggari generations? Brad Saunders explores these questions in the latest edition of Australia’s e-journal of social and political debate.

Available at [On Line Opinion](#).

From the bike to the bus: the Noongar native title settlement

The Conversation – 15 July 2013, Simon Young

Beneath the photo opportunities and highly publicised dollar figure of around A\$1 billion, much is happening that deserves deeper reflection in the Noongar native title settlement process. In a 2006 Federal Court judgement, Justice Wilcox initially upheld the claim in a cavalier final judgment before retirement. He found that the legal threshold of cultural continuity had been met and that native title existed, subject to specific extinguishment, in Noongar lands. This initial opportunity to pull Australian native title into a positive and cooperative future was soon unstitched. The case was appealed, and the Full Federal Court considered there were errors in Justice Wilcox’s approach – in his lack of rigour on questions of continuity – that meant his decision had to be overturned, and the matter reconsidered. Simon Young explores the Noongar native title case and how it is both a victory and a loss for native title claimants throughout the country.

Available at [The Conversation](#) online.

Media Releases

Central Land Council

‘Native Title recognition at Mount Doreen Station’ – 2 July 2013

The Federal Court held a hearing at Eight Mile Bore, approximately 400 kilometres north-west of Alice Springs, to make a determination by consent of native title over Mt Doreen. Justice Reeves presided over the Court which recognised the non-exclusive native title rights of the Ngaliya Warlpiri people, including the groups who are made up within the larger claimant group. The native title claimants’ country includes Mt Doreen Station which will continue to operate as a pastoral lease. CLC Director David Ross congratulated the Ngaliya Warlpiri native title holders and paid tribute to claimants who have passed away during the application process.

Available at CLC [website](#).

Central Land Council

‘Native Title recognition at Napperby Station’ – 2 July 2013

The Federal Court recognised the non-exclusive native title rights of the Anmatyerr and Arrernte people in a ceremony held outside of Alice Springs. The current owners will continue to operate Napperby as a pastoral lease. CLC Director David Ross congratulated the native title holders and paid tribute to the many claimants who have passed away while this process has taken place.

Available at CLC [website](#).

House of Representatives standing committee on Aboriginal and Torres Strait Islander Affairs

‘Improving Indigenous birthing services’ – 11 July, 2013

Good maternal health, strong local support networks for the birthing mother and her newborn, and a sense of connectedness to land and culture were all identified as critically important at a roundtable on birthing services for Indigenous women. The roundtable was conducted by the House of Representatives Aboriginal and Torres Strait Islander Affairs Committee. The Committee was interested in the challenges faced by Indigenous women who must travel from remote communities to regional centres to give birth, and the current services, or lack thereof, available to support them.

Available at Parliament of Australia [website](#).

South Australian Native Title Services

‘SANTS welcomes first native title determination for 2013 in South Australia’ – 11 July, 2013

The Tjajiwara Unmuru native title claim was determined by the Federal Court at a hearing on a remote pastoral lease in South Australia’s far north. The Federal Court, with Justice Mansfield presiding, will make an order under the *Native Title Act 1993* (Cth) pursuant to an agreement to recognise rights and interests without the need for a trial. This will be the first consent determination for 2013 in South Australia.

Available at SANTS [website](#).

Northern Land Council

‘Chairman urges Parliament to consider reforms’ – 15 July, 2013

Northern Land Council Chairman Wali Wunungmurra has urged Federal Parliament to have Aboriginal land rights recognised in the Australian Constitution, starting that there is more work to be done for people living in Top End communities. Mr Wunungmurra repeated his desire to Prime Minister Kevin Rudd after both spoke at the 50-year celebrations of the bark petitions at Yirrkala in north east Arnhem Land, of which Mr Wunungmurra was a signatory in 1963.

Available at NLC [website](#).

Central Land Council

‘NT must block oil and gas exploration in Watarrka National Park’ – 31 July 2013

Traditional Owners of Watarrka National Park have expressed their opposition over plans by Palatine Energy Pty Ltd to begin oil and gas exploration throughout the region. Traditional Owners are concerned about the impacts on the cultural values, flora and fauna of the park. CLC Director David Ross said allowing the exploration would cut across the core values of the joint management agreement.

Available at CLC [website](#).

News Broadcasts and Podcasts

SBS News

‘Native title deal angers WA Tent Embassy’ – 8 July, 2013

A group of Aboriginal activists are unhappy with the Government of Western Australia’s \$1.3 billion native title offer to the Noongar claim groups. The activists are concerned that the move will jeopardise the groups sovereign rights as Aboriginal people. The state Government has given the groups six months to consider the offer and wants to start implementing it from 1 July, 2014.

Available at [SBS online](#).

National Indigenous Radio Service

‘Central Australian groups celebrate native title determinations’ – 9 July, 2013

The Federal Court has recognised two native title claims in central Australia, north-west of Alice Springs. The court sat at Laramba community to recognise a claim over Napperby Station by Anmatjyerr and Arrente people. It also sat at Eight Mile Bore on Mt Doreen Station to recognise Native Title of the Warlpiri people.

Available at [NIRS online](#).

SBS News

‘Warlpiri owners receive land back’ – 11 July, 2013

Native title was recognised over lands in central Australia. The Federal Court of Australia officially recognised the Warlpiri people as traditional owners in a ceremony held at Eight Mile Bore, north-west of Alice Springs.

Available at [SBS online](#).

National Indigenous Radio Service

‘Noongar academic slams native title offer’ –16 July, 2013

Professor Len Collard, a Noongar traditional owner, says that the Government of Western Australia’s \$1.3 billion native title settlement offer ‘short changes’ the community. Professor Collard points out that the Noongar group are not one people, but a number of different clans in the south-west, and that they are entitled to clan based claims.

Available at [NIRS online](#).

National Indigenous Radio Service

‘“Root and branch” native title changes needed’ –17 July, 2013

Queensland South Native Title Services (QSNTS) says ‘root and branch’ changes are needed to the *Native Title Act* to improve outcomes for communities. QSNTS made the comments amid claims that the land rights movement hasn’t fully delivered for Indigenous people.

Available at [NIRS online](#).

ABC 7.30

‘Queensland government stands accused of political favours over mining lease’ –18 July, 2013

Native title holders have suggested that the Queensland Government has given preferential treatment to a political donor when considering a sand mining lease on North Stradbroke Island.

Available at [7.30 online](#).

National Indigenous Radio Service

‘Sand mine plans undermine our native title rights: Quandamooka’ –26 July, 2013

Traditional owners on Queensland’s North Stradbroke Island have concerns that their native title rights are being undercut by the State Government’s move to extend the life of a sand mine on the Island. The Quandamooka Yoolooburrabee Aboriginal Corporation’s Chief Executive Cameron Costello says an extension should have their consent because of an existing Indigenous Land Use Agreement (ILUA).

Available at [NIRS online](#).

National Indigenous Radio Service

‘Don’t give up your native title: Noongar woman’ –29 July, 2013

Noongar rights campaigner Marianne MacKay says the native title rights of the Noongar people can’t be ignored in light of the Government of Western Australia’s \$1.3 billion offer to settle native title in the south-west.

Available at [NIRS online](#).

9. Online Resources

Aboriginal Sydney Phone App

A new online application showcasing the cultural history and heritage of Aboriginal people throughout Sydney has been launched by [Aboriginal Studies Press](#). The self-guided audio-supported tours allows users to uncover the history and culture of Aboriginal Sydney, including rock art sites and contemporary Indigenous places of significance. The Aboriginal Sydney app lets you:

- Plan tours to suite your available time (from 30 mins to all day)
- Choose your walk by locality or interest
- Use up-to-date GPS maps with easy to follow directions
- Be confident about culturally appropriate information
- Listen to contextual audio narrated by Kamilaroi man, Billy McPherson
- Find general information about facilities, opening hours, cost, public transport, and links to websites

Aboriginal Sydney costs \$4.99 via [iTunes](#) or \$5.49 via [Android](#).

10. Training and Professional Development Opportunities

The Aurora Project

[See the Aurora Project: 2013 Program Calendar](#) for information on training and personal development for staff of native title representative bodies, native title service providers, RNTBCs and PBCs.

Berndt Foundation Research Foundation Grants

The Berndt Foundation was established after a sum of money was bequeathed to The University of Western Australia to promote anthropological research about Aboriginal Australia. The Foundation has allocated funds to support postgraduate research by any postgraduate student enrolled in Anthropology and/or a cognate discipline at an Australian university who will contribute to anthropological research and Aboriginal Studies more broadly. Amounts of up to \$8,000 will be awarded to applicants that help to (i) facilitate thesis research, (ii) meet criteria established through the Foundation's Postgraduate Research Grant Committee, and (iii) are judged by the Foundation's Postgraduate Research Grant Committee to warrant financial support. Applications are due on or by **31 August 2013**. For more information see the [Berndt Foundation website](#) or download the Australia Postgraduate Research Grants [Information Sheet](#) – 2013.

Monash University Indigenous Australian Archives Scholarship

Monash University, the National Archives of Australia, the Australian Society of Archivists Inc., and the Australian Computer Society (ACS) are offering a scholarship for Indigenous Australians to undertake a Masters degree or Graduate Diploma specializing in Electronic record keeping and Archiving.

This scholarship is linked to the Bringing Them Home Report, which recommended that Indigenous Australians archivists be involved in archival projects that enable Indigenous Australians to locate records.

Please submit an [application](#) before the scholarship closing date (**Friday 21 February 2014 for semester 1, 2014 entry**).

For more information, see [Monash University website](#).

11. Events

AIATSIS Seminar Series – Semester 2, 2013

Date: Every Monday

Time: 12:30-2:00pm

Location: Mabo Room, [AIATSIS Building](#), Lawson Crescent, Acton Peninsula, Canberra

Enquiries: For more information, contact the NTRU team on (02) 6246 1155 or by email ntru@aiatsis.gov.au

The AIATSIS Research Seminar Series brings together leading Indigenous and non-Indigenous scholars and public thinkers to share research and ideas on a diverse range of subjects. The semester 2, 2013 series, convened by AIATSIS research fellows Dave Johnston and Pam McGrath, focuses on contemporary Indigenous cultural heritage to explore questions of who's got it, who wants it and who controls it. See semester 2 [program](#) for upcoming seminars.

Puliima National Indigenous Language & Technology Forum 2013

Date: 28-29 August 2013

Location: William Angliss Institute Conference Centre Melbourne, Victoria

Registration: For registration information go to [Puliima 2013](#) or contact the Puliima team on (02) 4927 8222

Puliima National Indigenous Language & Technology Forum is a biennial event aimed at bringing together people from all over Australia to explore pioneering project ideas, exciting products and equipment that can be used in community-based Indigenous language projects. The forum allows people to network with others who share an ambition to preserve and celebrate Indigenous languages. Speakers include community representatives from throughout Australia, New Zealand and North America as well as representatives from university language centres, research institutes and language development initiatives. For more information, see Puliima 2013 [Website](#).

2013 National Indigenous Health Conference

Building Bridges in Indigenous Health

Date: 25-27 November 2013

Location: Pullman Cairns International Hotel

Registration: For registration information go to 2013 National indigenous Health Conference [website](#) or email admin@indigenoushealth.net

The 2013 National Indigenous Health Conference is designed to bring together both government and non-government agencies who are working in the field of Indigenous health with the belief that working together can close the gap between the state of Indigenous Health as compared to the health of mainstream Australians.

Centre for Aboriginal Economic Policy Research (CAEPR) Seminar Series 2013

Date: Every Wednesday

Time: 12:30-2:00pm

Location: Australian National University, Haydon Allen G052

Enquiries: For more information, please see [CAEPR Seminars 2013](#) or call Centre Administration on (02) 6125 0587

50 Years On: Breaking Barriers in Indigenous Research and Thinking

Date: 26-28 March 2014

Location: National Convention Centre, Canberra, ACT

In 2014, AIATSIS will be celebrating its 50th year. To celebrate this milestone, AIATSIS will be holding its biennial National Indigenous Studies Conference with the theme '50 years on: Breaking Barriers in Indigenous Research and Thinking'. The conference will celebrate how far we have come in the area of Indigenous studies in Australia in the

past 50 years. It will celebrate the 50th anniversary of the legislated establishment of the Australian Institute of Aboriginal Studies (now AIATSIS) as well as 50 years of leadership and excellence in Indigenous studies by AIATSIS.

For more information including Call for Papers and Registration, please see [AIATSIS website](#) or contact Alexandra Muir: (02) 6261 4223



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.

