

WHAT'S NEW IN NATIVE TITLE

MAY 2014

1. Case Summaries.....	1
2. Legislation	6
3. Indigenous Land Use Agreements	7
4. Native Title Determinations	7
5. Future Act Determinations.....	7
For more information about Future Acts Determinations, see the NNTT website.....	9
6. Registered Native Title Bodies Corporate & Prescribed Bodies Corporate	9
7. Native Title in the News	9
8. Related Publications	9
9. Training and Professional Development Opportunities.....	14
10. Events.....	15

1. Case Summaries

[Japalyi v Northern Territory of Australia \[2014\] FCA 421](#)

7 May 2014, Consent Determination, Kalkarindji Northern Territory
 White J

This case concerns a consent determination in relation to the land and waters in the Town of Kalkarindji. The area which is the subject of the proposed determination comprises approximately 5.7km² and is the area within the outer boundaries of Lot 121 in the Town of Kalkarindji. The external boundaries of the determination is described clearly in Schedule A and depicted on the map comprised in Schedule B of the case.

The decision was made based on the agreement reached between the Northern Territory of Australia (the sole remaining respondent) and the Jiyilijurrung and Yilyilimawu Gurindji People who are members of four estate groups associated with the Karu (Children), Yiparrartu (Emu), Warrpawurru (Flying-Fox) And Nyirri (Cicada) Dreamings.

White J stated that section [87A of the Native Title Act 1993 \(Cth\)](#) (NTA) permits the Court to make a determination by consent without holding a formal hearing if it is satisfied of a number of matters:

- There is agreement by all parties to the proceedings at the time the agreement is made on a proposed determination of native title in respect of a claim area (subs (1)(b)-(c));
- The period specified in the Registrar's notice under s 66 has ended (subs (1)(b));
- The terms of the proposed determination are in writing and have been signed by, or on behalf of, each of the parties (subs (1)(d)) and a copy has been filed with the Court (subs (2));
- The Registrar has given notice to the other parties to the proceedings of the filing of the proposed determination (subs (3));
- An order in, or consistent with, the terms of the proposed determination is within the Court's power (subs (4)(a)); and
- It is appropriate to make the determination (subs (4)(b)).

White J stated, at [5], that he believed that the first four of these are of a procedural kind, and have been satisfied in this case. He also decided that the proposed determination (the fifth issue) in this case is within the court's jurisdiction under [s61 NTA](#).

White J considered the affidavits of the respective applicants filed with the amended application and the assessment in Dr McConvell's report which indicated that the members of the Jiyilijurrung and Yilyilimawu Gurindji people who are members of the four estate groups satisfy these requirements and there has been substantially uninterrupted observance of the traditional lands and customs in the proposed determination area since sovereignty. His Honour was satisfied that the determination satisfies the elements of [s225](#) as required by [s94A of the NTA](#). These elements according to White J were satisfied because;

- a) Paragraphs 1 and 3, and Schedules A, B and C of the determination set out with appropriate particularity the area in respect of which there is to be a declaration of native title.
- b) Paragraphs 4 and 5 of the determination define the group of native title holders and the criteria by which group membership is determined.
- c) Paragraphs 6 and 7 of the determination also set out the nature and extent of the native title rights and interests in the determination area.
- d) Paragraph 8 of the determination sets out in an appropriate way the nature and extent of other interests in the determination area. Noting that there has been ample opportunity for other interest-holders to identify themselves and to join as parties to the claim.
- e) Paragraph 10 of the proposed determination sets out the resources in respect of which native title does not exist.
- f) Paragraph 9 of the proposed determination describes, as required by s 225(d), the relationship between the native title rights referred to in paragraph 6 and the other rights listed in paragraph 8.

White J noted that in relation to [s 225\(e\)](#) the determination has provided in paragraph 2 that exclusive native title rights and interests exist in the determination area.

White J concluded that the proposed determination is appropriate and should be made. He also noted that pursuant to [s 55](#) and [56 of the NTA](#), the Court must determine whether the native title is to be held in trust and, if so, by whom. The court provided in this case that the native title is not to be held in trust. The Gurindji Aboriginal Corporation was nominated as the Prescribed Body Corporate.

[Tilmouth v Northern Territory of Australia \[2014\] FCA 422](#)

9 May 2014, Consent Determination, Federal Court of Australia - Edwards Creek, NT

White J

In this consent determination, the Court held that non-exclusive native title rights and interests are held by the Ilkewarn, Atwel/Alkwepetye and Ayampe Landholding Groups over an area of approximately 2625 km² in the Northern Territory. This area is covered by the Bushy Park Pastoral Lease and two areas of Crown land to the north of that lease.

The applicants and the Northern Territory of Australia (the parties in this case) have reached agreement as to the terms of the determination which is to be made in relation to the land and waters covered by the determination area. The parties have filed the agreement with the Court, and request the Court to make consent orders which reflect the agreement and recognise native title in the determination area.

It is interesting to note that in paragraph 7 of the Determination, commercial and business purposes were explicitly excluded from the rights and interests recognised by the determination. Nevertheless, paragraph 6 of the Determination held that the native title rights and interests of the native title holders are the rights possessed under and exercisable in accordance with their traditional laws and customs, including the right to conduct activities necessary to give effect to them, being:

- a) the right to access and travel over any part of the land and waters;
- b) the right to live on the land, and for that purpose, to camp, erect shelters and other structures;
- c) the right to hunt, gather and fish on the land and waters;
- d) the right to take and use the natural resources of the land and waters;
- e) the right to access, take and use natural water on or in the land, except water captured by the holders of Perpetual Pastoral Lease 1122;
- f) the right to light fires for domestic purposes, but not for the clearance of vegetation;

- g) the right to access and to maintain and protect sites and places on or in the land and waters that are important under traditional laws and customs;
- h) the right to conduct and participate in the following activities on the land and waters:
 - i. cultural activities;
 - ii. ceremonies;
 - iii. meetings;
 - iv. cultural practices relating to birth and death including burial rites;
 - i. teaching the physical and spiritual attributes of sites and places on the land and waters that are important under traditional laws and customs;

and, subject to the rights of any person arising under the laws in force in the Northern Territory to be present on the land, the right to privacy in the exercise and enjoyment of those activities;

- i) the right to speak for and make decisions about the use and enjoyment of the land and waters by Aboriginal people who recognise themselves to be governed by the traditional laws and customs acknowledged by the native title holders;
- j) the right to share or exchange natural resources obtained on or from the land and waters, including traditional items made from the natural resources;
- k) the right to be accompanied on the land and waters by persons who, though not native title holders, are:
 - i. people required by traditional law and custom for the performance of ceremonies or cultural activities on the land and waters;
 - ii. people who have rights in relation to the land and waters according to the traditional laws and customs acknowledged by the native title holders;
 - iii. people required by the native title holders to assist in, observe, or record traditional activities on the areas.

Another interesting point referred to in the case is that the native title rights and interests referred to in paragraph 6 are subject to and exercisable in accordance with:

- (a) the valid laws of the Northern Territory of Australia and the Commonwealth of Australia;
- (b) the traditional laws acknowledged and traditional customs observed by the native title holders.

White J states in paragraph 6 that a Court under [s 87\(2\) of the Native Title Act](#) may make a determination by consent without holding a hearing. A Court may also accept a statement of facts agreed upon by the applicant and the principal government respondent which in this case is the Northern Territory of Australia. In this regard the Court considered the affidavits of the applicants filed in support of the applications, a statement of agreed facts by the applicants and the respondent, and the joint submission of the parties.

His Honour further stated that the Court is entitled to attach considerable weight to the circumstance that the orders are to be made by consent. This is mainly because one of the consenting parties is the Northern Territory of Australia and that government parties have a well-recognised responsibility in assessing applications for determinations of native title.

White J goes on to state, in paragraph [18], that in the present case, it was apparent that the Northern Territory had exercised the appropriate care and caution before reaching agreement with the applicants. The applicants provided the Territory with a “short-form” anthropological report which;

- a) identified the Aboriginal groups with rights and interests acknowledged and observed in the proposed determination area;
- b) identified the nature and extent of those rights;

- c) identified the connection of a senior member of each estate group to the proposed determination area by provision of a representative biography of that person; and
- d) identified as well the sites and dreaming tracks in the area.

Taking into consideration the facts and the joint evidence, White J concluded that there be a consent determination of native title according with the agreement between the Parties.

It was also held that native title will not be held in trust and that the Akwerrperl Corporation is the Prescribed Body Corporate.

[Graham on behalf of the Ngadju People v State of Western Australia \[2014\] FCA 516](#)

21 May 2014, Extinguishment of Native title, Federal Court of Australia, Melbourne (Heard in Perth)

Marshall ACJ

In this matter, the Court considers the extent to which the Ngadju people's native title rights and interests have been extinguished by other rights that exist in the area. The Ngadju People (the applicants) hold native title rights in what Marshall ACJ described as the 'Ngadju trial area proceeding'. Ngadju native title rights were recognised in *Graham v Western Australia* [2012] FCA 1455 and *Western Australia v Graham* [2013] FCAFC 143 (2013) 305 ALR 452. The respondents include: the State of Western Australia, St Ives Gold Mining Company Pty Ltd and BHP Billiton Nickel West Pty Ltd.

The Ngadju People's native title rights and interests as recognised in previous cases include:

- i. the right to hunt and fish (excluding commercial fishing), to gather and use the natural resources of the area, such as food and medicinal plants and trees, timber and ochre and to have access to and use of potable water;
- ii. the right to live, to camp, to erect shelters and other structures and to travel over and visit;
- iii. the right to do the following activities:
 - engage in cultural activities;
 - conduct rituals or ceremonies;
 - hold meetings; and
 - teach the physical and spiritual attributes of places and areas of importance on or in the land and waters;
- iv. the right to have access to, maintain and protect, places and areas of importance on or in the land and waters, including Dreaming sites, waterholes and ceremony grounds; and
- v. the right to share or exchange subsistence and other traditional resources obtained on or from the land and waters.

The Ngadju people and the State had already reached agreement on a range of matters relevant to extinguishment. This case involved resolution of identified issues which remained in dispute. This included a determination that a grant of freehold in the claim area had extinguished native title and also that, in most instances, certain special leases, roads and gravel pits had extinguished native title. A table of the issues agreed and disagreed on is provided in the case as [Annexure A](#).

The main issue of dispute for the court in this matter is whether:

- a) the mining leases issued by the State prior to 1968 under the *Mining Act 1904* (WA) are **inconsistent** with the native title rights and interests held by the Ngadju people.

His Honour recognised that some of the current mining operations in the Ngadju trial claim are subject to mineral leases granted prior to 1968. These leases are labelled as (ML1500150 and ML1500151) in Schedule 1, Table 10 of the State's initial written submission. It follows that some leases granted under the 1904 Act, including those identified above, have continued to operate despite the 1904 Act being repealed. Such leases according to His Honour have been preserved by s5 (1) of the *Mining Act 1978* (WA), which came in to operation in 1982.

In paragraph 8, Marshall ACJ indicated that the mineral leases granted by the State under the *1904 Act* will only extinguish the native title rights and interests if they give the leaseholders rights which are inconsistent with those native title rights and interests held by the Ngadju People (identified in *Graham v Western Australia* [2012] FCA 1455). In considering the content of the rights granted under the mineral leases, in paragraph 10 his Honour applied the reasoning in *Western Australia v Brown* [2014] HCA 8, stating that the relevant mineral leases in *Brown* are relevantly indistinguishable to the ones under current consideration and they did not extinguish native title rights and interests. Marshall ACJ further stated that the leases in *Brown* had the effect that the native title rights and interests could not be exercised for as long as the leaseholders held rights under the mineral leases.

Accordingly, in the present case the rights granted under the mineral leases were found to not be inconsistent with the claimed native title rights and interests. The native title rights are not extinguished by the mining activity, but merely remain incapable of exercise in the areas of that activity whilst it continues. The rights might be suppressed but are not extinguished.

The State and mining companies argued that the 1904 Act gives leaseholders the right to exclude others from trespass. His Honour rejected that submission stating at [14] that:

- (a) the right to exclude “others” from the area of the mining operation, and the accompanying legislative provisions which deem such persons to be trespassers, do not affect the position that when the mining interests cease to exercise their rights to mine or when those rights come to an end, Ngadju native title rights will remain unaffected; see *Western Australia v Brown* at [64].

Marshall ACJ further stated that, even if there exists a right to remove a Ngadju person from a mine site in exercise of the mining lease, this does not mean that native title is extinguished.

There was also discussion about whether certain leases were ‘bespoke’ or tailor made for certain circumstances. His Honour stated that there is little doubt that the mining leases pre 1968 were tailor made for the exploitation of nickel and related material. They did not give general rights to mine an area but were limited to mine for a particular purpose. However, after the judgment in *Brown*, the focus has shifted to identifying the rights obtained under the leases to see if the rights granted under them are inconsistent with native title rights. In that sense the decision in *Brown* rendered the distinction between the pre and post 1968 leases “sterile”.

[Watson on behalf of the Nyikina Mangala People v State of Western Australia \(No 6\) \[2014\] FCA 545](#)

29 May 2014, consent determination, Federal Court of Australia- Western Australia

Gilmour J

This is an application for consent determination. The Nyikina Mangala claim group are the applicants, while the State of Western Australia, the Commonwealth of Australia and 10 other parties are the respondents. The Nyikina Mangala application covers an area of approximately 26, 215 square kilometres of land and waters located to the south of Derby, east of Broome and west of Fitzroy Crossing. Apart from a small exception, the southern boundary of the Nyikina Mangala Application area adjoins a portion of the northern boundary of the Ngurrara Area, determination (WAD 6077/1998). Schedule 1 of the case shows the determination area, while schedule 2 is a map of the determination area. Schedule 3 shows the area where native title is exclusive; schedule 4 depicts areas where native title is not exclusive. Schedule 5 describes areas where native title does not exist and, schedule 6 gives a description of native title holders. Schedule 7 depicts areas of land where native title has been restored as a result of [s47](#), [s47A](#) & [s47B](#) of the *NT Act*, and finally schedule 8 depicts areas of land where other interests exist.

Both the applicant and respondent in this case filed a Minute of Consent Determination to the Court, which reflected the terms of an agreement reached by the parties in relation to a part of the proceedings. The terms of the agreement which the court noted and determined include:

- a) Native title exists in those parts of the Determination Area identified in Schedules 3 and Schedule 4.
- b) Native title does not exist in those parts of the Determination Area identified in Schedule 5.
- c) Native title is held by the Nyikina Mangala People, the people referred to in Schedule 6.
- d) The Determination Area referred to in Schedule 4 are areas where there has been partial extinguishment of native title. Where extinguishment is not required to be disregarded, native title holders will have non-exclusive rights including the right to conduct certain activities, e.g. the right to hunt and gather.
- e) Section 47, section 47A and Section 47B of the *Native Title Act* applies to disregard any prior extinguishment of native title in relation to the areas described in Schedule 7.

Aside from the agreement signed by all parties, the Court also had to determine the issue of whether an apical ancestor whose name was not included in the first application should be included within the native title holding group. The issue according to the facts was considered in an authorisation meeting where a majority of the people entitled to vote, voted that the claim should be amended to include the apical ancestor and his descendants in the claim. Gilmour J was persuaded to make a determination according to the minutes of the meeting. He noted that although the description of the claim group had not been amended to include the apical ancestor, the long running application should not fail because of the small defect. In reaching this finding Gilmour J (citing with approval, the decision in *Sharpe v State of Western Australia* [2013] FCA 599, at [19]-[23]) stated his reasons for allowing the authorisation of the new apical ancestor and proceeding with the determination by consent as follows:

- (a) this will be a satisfactory resolution of the Nyikina Mangala Application for all parties;
- (b) the nature of any defect in authorisation does not arise out of any dispute within or between the Nyikina Mangala People and is not a matter which the proposed native title holders have not had an opportunity to consider;

- (c) recognition of the native title rights and interests of the native title holding group as described in the Minute will not result in the exclusion of any person said to hold native title rights and interests as a Nyikina Mangala person;
- (d) the description of the native title holding group in Schedule Six of the Minute was widely notified and advertised in the process of notifying the authorisation meeting;
- (e) the question of the applicant's on-going authorisation was specifically considered and confirmed by resolution at the authorisation meeting;
- (f) the Nyikina Mangala People have been made aware of the proposed determination of native title and have authorised the applicant to agree to the making of the Minute in its current terms, including the description of the proposed native title holding group; and
- (g) by signing and filing the Minute, the State has agreed to the persons described in Schedule Six of the Minute being recognised as the holders of native title rights and interests in the Determination Area.

In regard to the agreement between the parties, Gilmour J stated that there was no reason why the court should not be satisfied that an order in, or consistent with the terms of the agreement as reflected in the Minute signed by both parties is within the power of the Court and there was no barrier under the [Native Title Act 1993\(cth\)](#) to the making of a consent determination of native title as proposed by the parties.

Gilmour J referred to the fact that [s87 of the Native Title Act](#), does not require the Court to receive evidence, make findings or embark on its own enquiry on the merits of the claim made in the application. The Court in this case was satisfied that the Parties have freely and on an informed basis come to an agreement. He stated that the requirements of s87 of the *NTA* were met because the Court was satisfied that the State through competent legal representation is satisfied as to the evidence presented by the applicant. He noted the ethnographic and historical material, combined with Aboriginal evidence is sufficient evidence that the Nyikina Mangala People have maintained a physical presence in the area since sovereignty.

Based on the argument and presented evidence Gilmour J ruled that it was within the power of the Court to make consent determination orders pursuant to *s87 of the NTA*. This meant that the Nyikina Mangala people were recognised as the native title holders for the Nyikina Mangala Part A Determination, and the Walalakoo Aboriginal Corporation was nominated to hold the determined native title in trust for the native title holders pursuant to [s 56\(2\)\(b\)](#) of the [Native Title Act 1993](#) (Cth).

2. Legislation

Aboriginal and Torres Strait Islander Land (Providing Freehold) and Other Legislation Amendment Bill 2014

The Minister for Natural Resources and Mines, Hon Andrew Cripps MP, introduced the Aboriginal and Torres Strait Islander Land (Providing Freehold) and Other Legislation Amendment Bill 2014 on 8 May 2014. The Bill was referred to the Agriculture, Resources and Environment Committee in accordance with Standing Order 131.

According to the Explanatory Notes, the Bill's policy objectives are to:

1. Introduce the option of ordinary freehold title into Aboriginal and Torres Strait Islander communities;
2. Simplify the leasing framework that applies to Indigenous land to reduce the regulatory burden on trustees and lessees;
3. Amend the *Land Valuation Act 2010* to enable Indigenous Local Government Areas to be subject to statutory valuations;
4. Provide for the repeal of the *Aurukun and Mornington Shire Leases Act 1978* upon transfer under the *Aboriginal Land Act 1991* of the remaining shire lease land; and
5. Amend the *Land Act 1994* to provide the Minister with power to declare, on a case by case basis, a conditional right of public access over private land where, due to erosion, the access along the area of beach has been compromised by the private ownership of the beach area.

For further information on the Bill, visit the Queensland Parliament Agriculture, Resources and Environment Committee's [website](#).

3. Indigenous Land Use Agreements

In May 2014, 4 ILUAs were registered with the National Native Title Tribunal.

Registration date	Name	Tribunal file no.	Type	State or Territory	Subject matter
23/05/2014	Kalkadoon Post Determination ILUA	QI2013/088	Area agreement	QLD	Extinguishment Tenure resolution
19/05/2014	Tagalaka People Golden Gate ILUA	QI2014/024	Body corporate agreement	QLD	Access Pastoral
09/05/2014	Bulganunna Aboriginal Corporation and Adani Mining Carmichael Coal Mine and Rail Project ILUA	QI2014/022	Body corporate agreement	QLD	Extinguishment Mining
05/05/2014	Saibai Island (Torres Strait) Social Housing ILUA	QI2014/012	Body corporate agreement	QLD	Community living area Infrastructure Residential

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

4. Native Title Determinations

In May 2014, 3 native title determinations were handed down.

Short Name (NNTT)	Case Name	Date (NNTT)	State	Outcome	Legal Process	Type
Nyikina Mangala	Watson on behalf of the Nyikina Mangala People v State of Western Australia (No 6) [2014] FCA 545	29/5/14	WA	Native title exists in parts of the determination area	Consent determination	Claimant
Bushy Park	Tilmouth v Northern Territory of Australia [2014] FCA 422	9/5/2014	NT	Native title exists in parts of the determination area	Consent determination	Claimant
Kalkarindji	Japalyi v Northern Territory of Australia [2014] FCA 421	7/5/2014	NT	Native title exists in parts of the determination area	Consent determination	Claimant

5. Future Act Determinations

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

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

Determination date	Parties	NNTTA number	State or Territory	Decision/Determination
28/05/2014	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 50	WA	Objection - Dismissed
20/05/2014	(Name withheld for cultural reasons) and Others (Warrwa #2) (WC2012/009) (native title party) - and - The State of Western Australia (Government party) - and - 142 East Pty Ltd (grantee party)	NNTTA 49	WA	Objection - Expedited Procedure Applies
14/05/2014	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 - Allanson Engineering Pty Ltd (grantee party)	NNTTA 48	WA	Consent determination: expedited procedure applies
13/05/2014	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 - Coal First Pty Ltd (grantee party)	NNTTA 45	WA	Objection - Expedited Procedure Applies
13/05/2014	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 47	WA	Objection - Dismissed
12/05/2014	Peregrine Resources Pty Ltd (grantee party/applicant) - and - Raymond Ashwin and Others on behalf of the Wutha people (WC1999/010) (first native title party) - and - Evelyn Gilla and Others on behalf of the Yugunga-Nya People (WC1999/046) (second native title party) - and - The State of Western Australia (Government party)	NNTTA 44	WA	Future Act - NIGF Satisfied - Tribunal has jurisdiction

09/05/2014	Raymond Ashwin & Ors on behalf of Wutha (WC1999/010) (native title party) -and- The State of Western Australia (Government party) -and- Kentor Minerals (WA) Pty Ltd (grantee party)	NNTTA 46	WA	Objection - Dismissed
01/05/2014	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 42	WA	Objection - Dismissed
01/05/2014	Yellow Rock Resources Ltd and Padbury Mining Ltd (grantee party) - and - William Shay, Evelyn Gilla, Winifred Gentle and Rex Shay on behalf of Yugunga-Nya People (WC1999/046) (native title party) - and - The State of Western Australia (Government party)	NNTTA 43	WA	Future Act - NIGF Not Satisfied - Tribunal does not have jurisdiction

For more information about Future Acts Determinations, see the [NNTT website](#).

6. Registered Native Title Bodies Corporate & Prescribed Bodies Corporate

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](#), case law on the [Austlii website](#); and native title determination information on the [NNTT](#) 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 the native title sector.

8. Related Publications

West Australian Government

Proposed Amendments to the Aboriginal Heritage Act 1972 (WA)

The West Australian Government is moving on reforms to their cultural heritage legislation and comments are due by Wednesday 6 August. The State Government has released the draft Aboriginal Heritage Amendment Bill 2014, drafted to allow for amendments to the way the State's Aboriginal heritage is managed.

The draft bill is available available at the [West Australian Government website](#).

University of Queensland

Conflict with communities a big cost to business

Researchers at The University of Queensland (UQ), the Harvard Kennedy School, and Clark University have uncovered that conflict with communities is costing mining companies billions of dollars. The researchers interviewed mining, oil and gas industry professionals and examined case studies of mining projects worldwide to calculate the costs of company-community conflict and to understand how companies interpret these costs.

For more information on this report, visit the [UQ website](#).

Yawuru

Yawuru has submitted recommendations to the Northern Australian Joint Parliamentary Inquiry.

To view the submission visit the Yawuru [website](#).

Yawuru Newsletter

The May edition of the Yawuru newsletter is now available. Articles in the newsletter are on the new Nyamab Buru Yawuru management structure and Yawuru Social Housing Rental Scheme Ballot.

To read more visit the Yawuru [website](#).

Australian Policy Online

The economic impact of the mining boom on Indigenous and non-Indigenous Australians – 23 May 2014

This paper examines changes in Indigenous employment, income and housing costs to identify any localised 'resource curse' for Indigenous communities and the Australian population at large.

Available for download at [APO's website](#).

COAG Reform Council

Indigenous Reform 2012-13: Five years of Performance – 22 May 2014

This report focuses on whether COAG's six Closing the Gap targets have improved over five years. Gains have been found in primary education, Year 12 attainment and post school qualifications—but employment is not improving. In the health findings, faster progress is needed to close the life expectancy gap by 2031. A clear positive is that COAG is on target to halve the gap in child deaths by 2018.

Available for download at the COAG [website](#).

Australian Policy Online

Provides links to key resources for Indigenous affairs in Australia, including information on 'Closing the Gap' agreements, funding, geography, and government agencies.

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

Indigenous Business Australia

Submission to Affordable Housing Inquiry – 5 May 2014

IBA's submission to the Senate Economic References Committee Inquiry into Affordable Housing in Australia is now available. The submission was lodged with the Committee Secretariat in April 2014.

To view the submission, visit the IBA [website](#).

Indigenous Business Australia

Review of the Indigenous Land Corporation and Indigenous Business Australia – 5 May 2014

In early December 2013, the Australian Government engaged Ernst and Young to conduct an independent review of both the Indigenous Land Corporation and Indigenous Business Australia.

To view the submission, visit the IBA [website](#).

Indigenous Business Australia

Submission by Indigenous Business Australia (IBA) to the Review of Indigenous Business Australia and the Indigenous Land Corporation

The IBA Board's submission to this review is also publicly available on the IBA [website](#).

Indigenous Business Australia

Inspire – Issue 13

The May edition of the Inspire magazine is now available on the IBA website.

To view the newsletter visit the IBA [website](#).

Indigenous Business Australia

IBA showcased at international economic development forum – 21 May 2014

IBA's CEO Mr Chris Fry joined representatives from Rio Tinto and Barrick Gold as invitees to Canada's Public Policy Forum to broaden international understanding of how to enhance Indigenous economic outcomes through resource development.

To view the media release visit the IBA [website](#).

AIATSIS

Occasional seminar – Prof Richard Mackay AM 'Could Do It Better: An Indigenous Heritage Report Card'

The 2011 State of the Environment Report wryly observes that Australia is recognised internationally for leadership in heritage management, but also sounds a note of warning that Australia's heritage is threatened by natural and human processes and a lack of public sector resourcing which does not reflect the true value of heritage to the community.

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

News and Media Releases

ABC Online Indigenous News

Faster native title claim settlements needed: KLC

The Kimberley Land Council (KLC) has used a native title ceremony in Western Australia to call for land claims to be dealt with more quickly and co-operatively.

About 400 people gathered on the banks of the Fitzroy River on 29 May to witness Justice John Gilmour, of the Federal Court, declare Nyikina Mangala the rightful owners of 26,000 square kilometres of land.

More information can be found on the ABC [website](#).

Central Land Council

Maurie Japarta Ryan re-elected as CLC Chair – 21 May 2014

Maurie Japarta Ryan has been re-elected as Chair of the Central Land Council at its meeting in Tennant Creek today. The election was conducted by the Australian Electoral Commission.

More information can be found on the CLC [website](#).

Kimberley Land Council

KLC heads to New York to host United Nations event – 8 May 2014

From the Kimberley to New York, the Kimberley Land Council is hosting an event at the United Nations forum on Indigenous issues to promote economic and cultural enterprise development.

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

Karajarri people declare IPA to protect country and culture – 7 May 2014

Karajarri Traditional Owners have declared an Indigenous Protected Area across their country to manage biodiversity hotspots and protect some of the Kimberley's most vulnerable and threatened species.

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

Bardi Jawi Rangers launch specialised commercial vessel – 2 May 2014

The delivery of a new commercial vessel will enable the Bardi Jawi Rangers to access, manage and protect the remote islands and coastline of the Dampier Peninsula.

The specialised ranger boat *Almban*, meaning westerly wind in Bardi language, was launched today at One Arm Point, after more than four years in the making.

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

Winner of the 2014 Sharon Sullivan National Heritage award announced – 19 May 2014

AIATSIS Visiting Fellow, David Johnston is the 2014 recipient of the Australian Heritage Council's Sharon Sullivan National Heritage award. This award is for his outstanding contribution to the Australian Indigenous heritage environment and his continued influence on practice. David is the first Indigenous recipient of this award.

More details available for download on the Department of Environment [website](#).

Goldfields Land and Sea Council

GLSC News

The Goldfields Land and Sea Council May edition of their newsletter has articles on the 18 year process for the historic native title recognition for Esperance and the get together for a one week ranger training course for rangers from three separate northern Goldfields Indigenous land management groups.

The newsletter is available for download from the Goldfields Land and Sea Council [website](#).

NINTI News

The May edition of the NINTI News is now available online.

Visit the NINTI News [website](#).

ABC Online Indigenous News

Tennant Creek forum to decide CLC chairman's future – 20 May 2014

Mr Maurice Jarpata Ryan's

A three-day meeting of the Central Land Council (CLC) has been called to decide the fate of the organisation's chairman. All 90 delegates to the CLC will be in Tennant Creek for a special meeting convened to decide the future of chairman Maurie Jarpata Ryan. Mr Ryan was stood down after the organisation's executive passed a vote of no-confidence in his leadership earlier this month.

See [Media Release](#) for more details.

ABC Online Indigenous News

Ex-CEO rejoins Yindjibarndi Aboriginal Corp – 15 May 2014

The Yindjibarndi Aboriginal Corporation (YAC) has temporarily reinstated its former CEO, Michael Woodley, just weeks after he resigned in a bid to help resolve a mining royalties dispute. In 2011, the Wirlu-Murra group broke away from Yindjibarndi to begin separate negotiations with Fortescue Metals Group over royalties from the Solomon Hub iron ore project. Last month, Mr Woodley announced he was resigning to help mend the relationship between the two groups. Mr Woodley says the YAC board has now asked him to act as chief executive until a new board is selected later this month.

See [Media Release](#) for more details.

ABC Online Indigenous News

Indigenous support aired for Dingo Gas Field start – 12 May 2014

Construction on a \$20 million gas project in central Australia has commenced. Traditional owners have welcomed the start of the Dingo Gas Field which is only the second project in the past three decades to secure a production licence in the Northern Territory. Traditional owner Daniel Forrester says royalties from the project will help provide for future generations.

See [Media Release](#) for more details.

ABC Online Indigenous News

New law will allow private land ownership in Qld Indigenous communities – 9 May 2014

Legislation has been introduced to Queensland Parliament to pave the way for private land ownership in Aboriginal and Torres Strait Islander communities. Land in Queensland's 34 Indigenous communities can only be held collectively, so private ownership cannot be granted. The bill will allow the communities to chance to change that. Individual communities will be able to make the decision to transfer land to private ownership.

See [Media Release](#) for more details.

ABC Online Indigenous News

Stockton sand dunes to be rehabilitated – 8 May 2014

The Worimi Aboriginal Land Council has received a \$200,000 grant from the the Federal Government to rehabilitate Stockton Bight sand dunes to ensure they are around for generations to come. The Worimi Aboriginal Land council will use the money to train up to 15 rangers who will carry out the restoration work.

See [Media Release](#) for more details.

ABC Online Indigenous News

Tjuntjuntjara gathering – 7 May 2014

The Tjuntjuntjara community gathers to discuss making their Native Title area a dry zone with Minister for Racing and Gaming, Terry Waldron.

See [Media Release](#) for more details.

Kimberley Land Council

Karajarri people declare IPA to protect country and culture – 7 May 2014

Karajarri Traditional Owners have declared an Indigenous Protected Area across their country to manage biodiversity hotspots and protect some of the Kimberley's most vulnerable and threatened species.

See [Media Release](#) for more details.

ABC Online Indigenous News

Bardi Jawi rangers launch cutting edge new boat – 6 May 2014

A new state-of-the-art commercial boat has been launched on Western Australia's Dampier Peninsula, giving Bardi Jawi rangers greater flexibility in their work. The eight-metre-long Lotterywest and Government-funded vessel is called Alban, the local word for 'westerly wind'. The rangers have had to undergo significant training to become a specialised marine unit and could be called upon to help out in emergencies and will be useful in a range of activities. Captain Phillip McCarthy, head ranger and captain says "the main purpose of the boat is to look after country - environmental work, traditional work and ... to do sea rescue when needed."

See [Media Release](#) for more details.

ABC Online Indigenous News

Maamun Danjoo Koorlininy Waakinininy – 5 May 2014

A Noongar men's group, Maamun Danjoo Koorlininy Waakinininy, or Men Together Walking and Talking, working on a Landcare project on the Abba River, south of Bunbury.

Available at [ABC Online News](#).

ABC Online Indigenous News

Maurie Japarta Ryan stood down as CLC chairman – 2 May 2014

The chairman of the Central Land Council has been stood down until later this month when his fate will be decided. The Land Council has said Mr Ryan was stood down as he no longer had the confidence of the executive. Mr Ryan will not be undertaking any official business on behalf of the council.

See [Media Release](#) for more details.

ABC Online

Federal budget cuts Indigenous programs

Aboriginal leaders are in shock after the federal budget unveiled a half a billion dollar cut to Indigenous programmes over five years. There is also concern changes to the social safety net will have a disproportionate impact on the most disadvantaged people in the country.

See [video](#) for more details.

9. Training and Professional Development Opportunities

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.

ORIC

Training courses 2014-15

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](#).

Australian-American Fulbright Commission

Fulbright Scholarships are available to Australian citizens from all fields to undertake research or study in the United States across a range of scholarship categories. The 2015 Fulbright Scholarships opened 1st May and close 1 August 2014 midnight AEST.

For more information visit the [Fulbright website](#).

10. Events

Indigenous Lawyers Association of Queensland (ILAQ)

“Past, Present, Future”

In 2014 the annual National Indigenous Legal Conference will not be held as a separate event, but will instead be combined with the World Indigenous Legal Conference. The World Indigenous Legal Conference 2014 examines legal issues affecting Indigenous Peoples worldwide.

Date: 24-27 June 2014

Location: Queensland University of Technology, Gardens Point Campus, Brisbane

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

National Indigenous Research and Knowledges Network (NIRAKN)

NIRAKN is proud to present the annual Network Members Meeting and Workshop for 2014. This event is open for registration to NIRAKN members and Indigenous Post-Graduate students currently enrolled at an Australian University. Conference registration includes sponsorship of return airfares from your nearest capital city, accommodation and breakfast daily and a conference day delegate package.

Date: 14 - 18 July 2014

Time: 9.00 a.m. – 5.00 p.m. daily

Location: The Hilton Hotel, Surfers Paradise, Queensland

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

Liquid Learning

Liquid Learning is delighted to present the Indigenous Women’s Leadership Summit 2014, an uplifting and inspirational leadership development opportunity designed for emerging and established leaders across all sectors.

Date: 19 – 20 August 2014 & 26 -27 August 2014

Time: 8.30 a.m. – 5.00 p.m.

Location: Perth & Sydney

Further information can be found on the [Liquid Learning](#) website.

Strehlow Conference

Where do we go from here?

Australia is currently going through an unprecedented period of change in its attitude to its Indigenous peoples and their cultures, opening up new possibilities for everyone. The quality of this change, and the extent to which it is embraced by the population at large, will depend in the first instance upon reliable information about what has been attempted in the past, both what has succeeded and what has failed.

For further information please contact the Strehlow Centre on Tel: (08) 8951 1111 Fax (08) 8951 1110
Email: strehlow@nt.gov.au

Date: 24-26 September 2014

Location: Araluen Centre, Alice Springs, Northern Territory

NIRAKN

2014 Scopus Young Research of the Year Award (SYRA)

The Australasian Research Management Society (ARMS) and Elsevier are proud to announce the 2014 Scopus Young Researcher Award (SYRA). The SYRA awards are part of an Elsevier global initiative to recognise outstanding young scientists and researchers in Australasia who have made significant contributions in their areas of research. The awards ceremony will be held at the ARMS 2014 Conference in Canberra.

Date: 19 September 2014
Location: National Convention Centre, Canberra

Further Information can be found on the [ARMS](#) website.

National Climate Change Adaptation Research Facility (NCCARF)

Future Challenges

The National Climate Change Adaptation Research Facility invites you to its annual conference, **Climate Adaptation 2014: Future Challenges**. This is a national conference focused on the information needed to ensure Australia is adapting well to climate change.

Date: 30 September to 2 October 2014
Location: Gold Coast Convention and Exhibition Centre, Gold Coast, Queensland

Further Information can be found on their [website](#).

Australian Network of Student Anthropologists (ANSA)

AAS/ANSA Postgraduate Travel Grants

The Australian Network of Student Anthropologists (ANSA), in conjunction with the Australian Anthropological Society (AAS), offers a number of travel grants for current and recent postgraduate by research students, to assist them with meeting costs incurred in travelling to the annual AAS conference. In 2014, the conference will be held jointly with the Association of Social Anthropologists of Aotearoa / New Zealand (ASAA/NZ).

Date: 10 -13 November 2014
Location: Millenium & Cophthorne Hotels, Queenstown, New Zealand

Further Information can be found on their [website](#)

ACRAWSA Conference 2014

ACRAWSA is calling for scholars working on any aspect of critical race or whiteness studies to submit papers for our annual conference. This year's conference has an open theme, and we encourage scholars working in relevant areas to attend and reflect upon the field. This conference aims to reinstate the importance of the study of race

Date: 4-5 December 2014
Location: Brisbane

Further Information can be found on the ACRAWSA [website](#).

World Indigenous Health Conference

There are more than 50 speakers confirmed to attend the World Indigenous Health Conference. Registration is filling quickly and conference organisers has recommended interested delegates should register as soon as possible for the conference.

Date: 15-17 December 2014
Location: Pullman Cairns International Hotel

Further Information can be found on the Indigenous Conferences [website](#).



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

