



WHAT'S NEW IN NATIVE TITLE

SEPTEMBER 2013

1. Case Summaries.....	1
2. Legislation	5
3. Indigenous Land Use Agreements	6
4. Native Title Determinations	7
5. Future Acts Determinations	7
6. Registered Native Title Bodies Corporate	9
7. Native Title in the News.....	9
8. Related Publications	9
9. Training and Professional Development Opportunities.....	12
10. Events.....	13

1. Case Summaries

[Morganson on behalf of the Warrungnu People #2 v State of Queensland \[2013\] FCA 957](#)

23 September 2013, Consent determination, Federal Court of Australia, Cardwell

Logan J

This matter concerns the recognition of the Warrungnu People's exclusive native title rights to an area around 25.5 hectares and non-exclusive rights to an area around 192,457 hectares around the Herbert/Burdekin region.

The Court recognised other interests, pursuant to ILUAs between the Warrungnu people (either through individual representatives or through the Goondaloo Aboriginal Corporation) and:

- The Wet Tropics Management Authority and the State of Queensland;
- The Tablelands Regional Council;
- Ergon Energy Corporation; and
- Several individuals holding term leases, pastoral leases and preferential pastoral leases.

The non-exclusive rights recognised as being held by the Warrungnu people included the rights to: access and camp on the area; enjoy the land; hunt, fish and gather for personal, domestic and non-commercial communal purposes; teach and conduct ceremonies; and protect sites of significance on the area.

By reference to evidence of prior occupation found in rock art sites and campsites, as well as anthropological evidence about lifestyle, knowledge and culture, the Court inferred that the Warrungnu people today are descended

from the community of people who spoke the Warrungnu language and used and occupied Warrungnu country prior to 1788. The Court held that this material satisfied the requirements of ss 223 and 225 of the *Native Title Act 1993* (NTA).

The Court made consent orders, under s 87 of the NTA, on the basis that agreements between the parties were freely entered into on an informed basis and that the State of Queensland had taken steps to satisfy itself that there was a credible basis for the applications.

The Court made orders that the Goondaloo Aboriginal Corporation is to be the prescribed body corporate for the purposes of s 57(2) of the NTA.

[**Brady on behalf of the Western Yalanji People #4 v State of Queensland \[2013\] FCA 958**](#)

[**Western Yalanji People #5 and #7 v State of Queensland \[2013\] FCA 958**](#)

24 September, 2013, Consent determination, Federal Court of Australia, Cairns

Logan J

This matter recognises the Western Yalanji People's native title rights and interests over its traditional lands in far north Queensland in two consent determinations handed down in Cairns. These determinations were the fourth determinations over Western Yalanji country.

These matters were heard together as they considered materially the same anthropological evidence and related to the same geographic region, around the Palmer and Mitchell River systems to the north-west of Mt Carbine and to the south of Laura. The Western Yalanji People were recognised as having both exclusive and non-exclusive native title rights in Western Yalanji #4 and non-exclusive native title rights over two additional pastoral properties in Western Yalanji People combined #5 and #7.

The State of Queensland, Tablelands Regional Council, Cook Shire Council and various pastoralists were respondents in both matters. Telstra Corporation and a mining executive were also respondents to the Western Yalanji People #4 application.

The Western Yalanji people, identified as separate and distinguishable from other Aboriginal peoples and other Aboriginal groups in the region, were recognised as having used and occupied the claim areas at the time of first European contact and prior to 1788. The Court found that the Western Yalanji people maintained a physical connection, as well as an ongoing cultural and spiritual connection to their lands. The Court further recognised that the adaptation of the laws and customs of Western Yalanji people, as a result of European settlement, had not affected those laws and customs to the extent that they were no longer observed. The Court held that this satisfied the requirements of s 223 of the *Native Title Act 1993* (NTA).

Under the first matter (#4), exclusive native title rights and interests were recognised over about 140,582 hectares and non-exclusive native title rights and interests were recognised over about 74,118 hectares. The Court held that native title rights and interests were extinguished with respect to certain public works, pursuant to ss 23B(7), 23C(2) and 251D of the NTA.

Under the second matter (#5 and #7), non-exclusive native title rights and interests were recognised over about 107,550 hectares of land subject to existing pastoral leases. The Court recognised a number of non-exclusive rights and interests, including the right to: light fires for domestic purposes (but not for hunting or clearing vegetation); access and camp on the area; enjoy the land; teach and conduct ceremonies; be buried in the determination area; and protect sites of significance on the area. These 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.

Other interests in the determination area were recognised as being held by the various other parties, including: Telstra, with respect to the functioning of telecommunications facilities; Ergon Energy Corporation, with respect to being a distribution entity and operator of works; the Cook Shire Council with respect to Reserves and infrastructure; the Tablelands Regional Council, with respect to infrastructure, leases, licences etc.; holders of leases granted under the *Mineral Resources Act 1989 (Qld)*; and any holders of leases granted under the *Land Act 1994 (Qld)*.

The Court made consent orders, under s 87 of the NTA, on the basis that agreements between the parties were freely entered into on an informed basis and that the State of Queensland had taken steps to satisfy itself that there was a credible basis for the applications.

[De Rose v State of South Australia \[2013\] FCA 988](#)

1 October 2013, Compensation Determination, Federal Court of Australia, Ilpalka

Mansfield J

This is the first Court ordered payment of compensation for the extinguishment of native title rights and interests under the *Native Title Act 1993* (Cth) (NTA).

Background

On 9 December 1994, a group of 12 Yankunytatjara and Pitjantjatjara or Antikirinya people registered a claim for a determination of native title on behalf of the group and others who are Nguraritja (custodians).

The native title claim area covered 1865 square kilometres of land and waters subject to three perpetual pastoral leases granted at various times and collectively known as De Rose Hill. De Rose Hill is adjacent to the Anangu Pitjantjatjara Aboriginal freehold lands in the far north west of South Australia.

The parties to the matter were the native title claimants (the claimants), the State of South Australia (the state), the individuals and company holding the leases (the Fullers) and the De Rose Hill-Ilpalka Aboriginal Corporation (the PBC).

On 1 November 1996, a native title application was filed in the Federal Court. On 1 November 2002, Justice O'Loughlin found that, while some claimants once had a relevant connection with the claim area, they had abandoned that connection. An appeal by the claimants was heard by Justices Wilcox, Sackville and Merkel in the Full Court of the Federal Court of Australia in May 2003. On 16 December 2003, the appeal was allowed.

At this stage in proceedings, the Court would usually remit the case to the primary judge for decision. However Justice O'Loughlin had retired, so the Full Court required the parties to attend a further hearing to settle any remaining issues in dispute.

On 8 June 2005, the Full Court held that native title exists in relation to De Rose Hill and is held by the Aboriginal persons who are Nguraritja according to the relevant traditional laws and customs of the Western Desert Bloc people (the De Rose Hill determination): *De Rose v State of South Australia (No 2)* [2005] FCAFC 110. It was the first native title determination in South Australia.

On 10 February 2006, the High Court refused the Fullers' application to appeal.

For a more in depth discussion on this background, see <http://www.aiatsis.gov.au/ntru/docs/resources/resourceissues/derose.pdf>

The first and second compensation applications

On 9 June 2011, the PBC filed a compensation application with the Federal Court on behalf of the De Rose Hill native title holders. The native title holders sought compensation for certain acts by the state which had extinguished native title:

1. Over areas subject to the native title determination in the De Rose Hill determination; and
2. Over certain areas excluded from the De Rose Hill Determination because native title had been extinguished (the excluded area).

On 4 February 2013, following Court-ordered mediation, the native title holders and the state reached agreement with respect to the compensation for the area comprising the De Rose Hill compensation application. However,

under s 62(3) of the NTA, a claim to an area that has not previously been the subject of a native title determination must be accompanied by an affidavit. The applicant must therefore be a natural person. As the PBC could not validly claim compensation for the excluded area, the compensation application was held to be defective.

The state agreed to allow the compensation application to be dismissed and further agreed that the settlement sum negotiated in the compensation agreement would constitute final settlement for the area subject to the defective compensation agreement.

On 19 March 2013, another group: Peter De Rose, Hughie Cullinan, Tjaruwa Anderson and Karina Lester (the applicants), authorised by the native title holders, filed a second compensation application to remedy the defect in the first application. The PBC became a party to the second compensation application. This would allow the applicants to claim the compensation agreed to in the first compensation application.

The Commonwealth was added as an intervener to these proceedings.

The further determination of native title and extinguishment

The Court then made a native title determination under s 13(2) of the NTA over those parts of the compensation claim where no determination had been made. The Commonwealth did not oppose the making of the determination.

The applicants, the PBC and the state agreed that compensation be payable under the NTA to the native title holders by the state for the following three past acts by the state that extinguished native title, occurring after commencement of the *Racial Discrimination Act 1975 (Cth)*:

1. The 20 January 1992 freehold grant of surrendered pastoral lease to an individual;
2. The 15 October 1981 creation of the Stuart Highway Corridor on land surrendered from a pastoral lease; and
3. The 1 November 1996 resumption to the state of pastoral lease land for the establishment of the Agnes Creek car park.

The Applicants, the PBC and the state agreed that that the state was not liable for any compensation in relation to the Tarcoola to Alice Springs railway corridor.

The Applicants, the PBC and the state did not agree on the compensable status of certain pastoral improvements, but agreed that the state's compensation settlement sum would discharge the state's obligations in relation to those improvements, whenever they occurred.

Orders for compensation

Under s 87 of the NTA, the Federal Court may make orders subject to the whole or part of an agreement between parties. Justice Mansfield made orders pursuant to s 87 of the NTA that the agreement reached between the State, the PBC and the Applicant finalised the compensation obligations of the state in relation to the whole of the area covered by both compensation applications.

Sections ss 51, 51A and 53 of the NTA set out the criteria for determining compensation. Section 51 of the NTA sets out principles to be applied when making a determination of compensation on just terms and s 51A limits the total compensation for total extinguishment in relation to particular land or waters to the amount payable for a compulsory acquisition of a freehold estate, unless that would infringe the requirement in s 53 for compensation to be on 'just terms' as per s 51(xxxi) of the *Commonwealth of Australia Constitution Act 1900 (Cth)*.

Justice Mansfield's decision to make orders under s 87 of the NTA, pursuant to ss 51, 51A and 53 of the NTA, was influenced by evidence of the extent and informed nature of the parties' negotiations. In reaching this conclusion, his Honour referred to the solicitor employed by South Australian Native Title Services and senior counsel who advised the native title holders and the PBC as an indication of the informed nature of the parties' consent. His Honour also referred to extensive negotiations in Adelaide and considered the on-country discussions and disclosures important for contextualising the significance to the native title holders of particular areas of land. His Honour considered this approach to be consistent with the preference for mediation as the primary means of resolving native title applications.

Justice Mansfield cited *Lander v South Australia* [2012] FCA 427 at [12] that, where the parties have entered into an agreement and, particularly where one of the parties is the state:

[T]he Court does not need embark on its own inquiry of the merits of a claim made in the application to be satisfied that the orders sought are supportable and in accordance with the law: *Cox on behalf of the Yungngora People v State of Western Australia* [2007] FCA 588 at [3] per French J. However, it might consider that evidence for the limited purpose of being satisfied that the State is acting in good faith and rationally: *Munn for and on behalf of the Gunggari People v State of Queensland* (2001) 115 FCR 109 at [29]-[30] per Emmett J.

Justice Mansfield also considered that the early resolution of proceedings, without the need for a hearing, is also consistent with the overarching purpose of the Court's civil practice and procedure, to facilitate the just resolution of disputes according to law and as quickly, inexpensively and efficiently as possible.

The nature and extent of negotiations about the amount of compensation was another factor used by the Court to conclude that orders under s 87 of the NTA were appropriate. The exact amount is unavailable because Justice Mansfield Ordered that the amount agreed upon by the parties be redacted from the record [at 11].

His Honour said that disclosure is necessary to prevent prejudice to the proper administration of justice, so as to enliven s 37AG(1)(a) of the *Federal Court of Australia Act 1976* (Cth). However, the reasons for keeping the amount of compensation out of the public sphere were discussed at paragraph 82. His Honour considered that disclosure of the compensation figure may:

- Create expectations in other matters which private consensual agreement should not produce;
- Be seen to set a tariff for other compensation claims which is not appropriate as each set of circumstances will necessarily be different;
- Draw attention to and invite unfair criticism of the Nguraritja;
- Invite criticism of the state;
- Impede the prospects of independent and satisfactory negotiation of other compensation claims;
- Impede and prejudice the proper administration of justice, especially where the NTA encourages the negotiated outcome of applications particular to the circumstances of each case.

Many of these factors flow from the fact that it is not possible to know the detailed consideration that took place during private mediation and negotiations, which ultimately led to the agreement.

2. Legislation

Department of Prime Minister and Cabinet

The resources available below provide information about the current parliamentary advice and guidance about the operations of Cabinet and the Federal Executive.

- [2013 Report on Unproclaimed Legislation](#)
- [Amendments to the Administrative Arrangements Order](#)
- [Administrative Arrangements Order](#)
- [Ministry List](#)
- [Spring Parliament Sitting Dates](#)

Previous versions of the Administrative Arrangements Order are available on the Parliament Information Archive.

For more information, see [Department of Prime Minister and Cabinet website](#).

Update on the Australian Law Reform Commission's Review of the *Native Title Act 1993 (Cth)*

The [final terms of reference](#) for this inquiry were released and the inquiry commenced on 3 August 2013. The commission is due to report by March 2015. [Professor Lee Godden](#) is the Commissioner leading the inquiry. It will examine and report in two areas:

- connection requirements relating to the recognition and scope of native title rights and interests
- any barriers imposed by the Act's authorisation and joinder provisions to claimants', potential claimants' and respondents' access to justice.

The first includes, but is not limited to, whether there should be:

- a presumption of continuity of acknowledgement and observance of traditional laws and customs and connection
- clarification of the meaning of 'traditional' to allow for the evolution and adaptation of culture and recognition of 'native title rights and interests'
- clarification that 'native title rights and interests' can include rights and interests of a commercial nature
- confirmation that 'connection with the land and waters' does not require physical occupation or continued or recent use, and
- empowerment of courts to disregard substantial interruption or change in continuity of acknowledgement and observance of traditional laws and customs where it is in the interests of justice to do so.

Amongst other things, the Commission will consider reports from the Taxation of Native Title and Traditional Owner Benefits and Governance Working Group, the Review of Native Title Organisations and the Productivity Commission inquiry into non-financial barriers to mineral and energy resource exploration.

The ALRC expects to release a first consultation paper towards the end of November 2013 and will provide regular updates about the progress of the inquiry. [Subscribe to the Native Title Inquiry](#) on the ALRC website.

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 September 2013, 2 ILUAs were registered with the National Native Title Tribunal.

Registration date	Name	Tribunal file no.	Type	State or Territory	Subject matter
16/9/2013	Pitta Pitta People/Lorna Downs (aka Milkamungra) ILUA	QI2013/028	AA	Qld	Pastoral
19/9/2013	Arrow Energy Western Downs Unclaimed Area ILUA	QI2012/116	AA	Qld	Petroleum/Gas

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 September 2013, **5** native title determinations were handed down.

Short Name (NNTT)	Case Name	Date (NNTT)	State	Outcome	Legal Process	Type	RNTBC /PBC
Wiluna #2	BP (DECEASED) & Ors and State of Western Australia & Ors (Wiluna #2) (unreported, FCA, 3 September 2013, Jagot J)	3/9/2013	WA	Native title exists in the entire determination area	Consent determination (conditional)	Claimant	TBA
Qantac Pty Ltd	Qantac Pty Ltd v State of Queensland (unreported, FCA, 9 September 2013, Dowsett J)	9/9/2013	Qld	Native title does not exist	Consent determination	Non-claimant	Not applicable
Warrungnu [Warrungu] People #2	Morganson on behalf of the Warrungnu [Warrungu] People #2 v State of Queensland [2013] FCA 957	23/9/2013	Qld	Native title exists in the entire determination area	Consent determination	Claimant	Goondaloo Aboriginal Corporation
Western Yalanji People Combined #5 and #7	Brady on behalf of the Western Yalanji People #4 v State of Queensland [2013] FCA 958 (note: scroll down for Western Yalanji People Combined #5 and #7)	24/9/2013	Qld	Native title exists in the entire determination area	Consent determination	Claimant	Western Yalanji Aboriginal Corporation RNTBC
Western Yalanji People #4	Brady on behalf of the Western Yalanji People #4 v State of Queensland [2013] FCA 958	24/9/2013	Qld	Native title exists in the entire determination area	Consent determination	Claimant	Western Yalanji Aboriginal Corporation RNTBC

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 September 2013, **10** Future Acts Determinations were handed down.

Determination date	Parties	NNTTA number	State or Territory	Decision/Determination
3/9/2013	Ike Simpson & Ors on behalf of Wajarri Yamatji (native title party) - and - The State of Western Australia (Government party) - and - Coal Face Resources Pty Ltd (grantee party)	NNTTA 132	WA	Objection - Dismissed

3/9/2013	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 130	WA	Objection - Dismissed
3/9/2013	Daisy Lungunan and Others on behalf of the Nyikina and Mangala People (WC1999/025) (Nyikina and Mangala native title party) - and - Karajarri Traditional Lands Association (Aboriginal Corporation) (WCD2001/001) (Karajarri native title party) - and - The State of Western Australia (Government party) - and - Geotech International Pty Ltd (grantee party)	NNTTA 129	WA	Objection – Expedited Procedure Applies
5/9/2013	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 136	WA	Objection - Dismissed
5/9/2013	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 134	WA	Objection - Dismissed
6/9/2013	Pilbara Iron Ore Pty Ltd (grantee party) - and - David Stock and Ors on behalf of the Nyiyaparli People (WC2005/006) (Applicant/ native title party) - and - The State of Western Australia (Government party)	NNTTA 138	WA	Consent determination: future act can be done subject to conditions
6/9/2013	Butcher Cherele & Ors on behalf of Gooniyandi Combined #2 (WC2000/010)/Gooniyandi Aboriginal Corporation (WCD2013/003) (WO2012/1144) (Gooniyandi Native Title Party) - and - George Brooking & Ors on behalf of Bunuba #2 (WC2012/004) (WO2012/1145) (Bunuba #2 Native Title Party) -and- Banjo Wurrumurra & Ors on behalf of Bunuba (WC1999/019)/Bunuba Dawangarri Aboriginal Corporation (WCD2012/006) (WO2012/1146) (Bunuba Native Title Party) - and - Mervyn Street & Ors on behalf of Yarrangi Riwi Yoowarni Gooniyandi (WC2012/010) (WO2013/0191) (Yarrangi Riwi Yoowarni Gooniyandi Native Title Party) -and- The State of Western Australia (Government party) - and - Carnegie Exploration Pty Ltd (grantee party)	NNTTA 137	WA	Objection – Expedited Procedure Applies

6/9/2013	Chichester Metals Pty Ltd (grantee party) - and - David Stock and Ors on behalf of the Nyiyaparli People (WC2005/006) (Applicant/ native title party) - and - The State of Western Australia (Government party)	NNTTA 139	WA	Consent determination: future act can be done subject to conditions
18/9/2013	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 140	WA	Objection - Dismissed
25/9/2013	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 141	WA	Objection - Dismissed

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 [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

Goldfields Land and Sea Council (GLSC)

‘GLSC News’ – September, 2013

The latest edition of GLSC News covers a range of topics affecting the people of the Goldfields region. These include the raising of the Aboriginal flag outside of the GLSC offices in Kalgoorlie, hosting the meeting of the WA Alliance of Aboriginal Land Councils and congratulating Linden Brownley, recipient of Goldfields NAIDOC awards for Aboriginal Person of the Year and Aboriginal Leader of the Year.

Available for download at [GLSC online](#).

Northern Land Council (NLC)

‘NLC Newsletter’ – September 2013

Reports in this newsletter include the feature report on negotiations between the NLC, traditional owners and Rio Tinto about the Katherine to Gove gas pipeline. Other reports include regional council meeting dates, executive members meeting in Darwin, work on the Bullita Stockyards, and NAIDOC among others.

Available for download at [NLC online](#).

North Queensland Land Council (NQLC)

‘Message Stick (August)’ – 9 September, 2013

In the latest edition of Message Stick, NQLC covers a number of local, national and international conferences attended by NQLC staff, board members and traditional owners. It also includes messages from the Chair of NQLC and the signing of a memorandum of understanding (MOU) between NQLC and Queensland South Native Title Services (QSNTS) concerning cross-border claims.

Available for download at [NQLC online](#).

Saleem Ali – National Geographic

‘Employment and Indigenous Empowerment in Mining: Australia and South Africa’ – 21 September, 2013

The relationship between employers and employees in the mining industry is first and foremost a relationship between two private parties. Usually the terms on which this relationship is governed are therefore a result of the negotiations between employers and employees and/or trade unions. Most governments have chosen to generally accept the terms of such negotiations. The reason why most governments around the globe still regulate the employment sector to some extent is the inequality of the bargaining position of employers on the one side and employees on the other side. This inequality is especially reinforced if a group of employees has or had a disadvantage in the economic landscape and or is or was marginalised. Two such groups of employees – each with a distinct history – are Indigenous Australians and Historically Disadvantaged South Africans (Black) employees in the mining industry. A comparison between Australia and South Africa is particularly important since mining is a dominant industry in both countries with a high level of employment exchange between the two lands.

Available at [National Geographic online](#).

National Indigenous Radio Service

‘Warrungu people celebrate native title determination’ – 24 September, 2013

The Warrungu people of Cardwell, north eastern Queensland are celebrating the successful native title determination over their traditional land. The Federal Court handed down the decision of the non-exclusive native title rights over the more than 190,000 hectares on Monday. Traditional owner Danny Hooligan said the almost 20 year battle was tough and the victory bittersweet, but he is positive about the future.

Available at [NIRS online](#).

Bertus Haverkort, Freddy Delgado Burgoa, Darshan Shankar and David Millar - Traditional Knowledge Bulletin

‘Towards co-creation of Sciences: Building on the plurality of worldviews, values and methods in different knowledge communities’

This book is the product of two international programmes in which NGOs and universities have been working to understand, appreciate, revalue and strengthen Indigenous knowledges. Its objective is to stimulate co-creation of sciences through an inter-cultural and multi-disciplinary dialogue. The book presents ways of knowing in a number of knowledge communities in countries across the globe. The presentation is done from the perspective of the knowledge holders themselves, describing their worldviews and ways of learning, dominant values, the knowledge that has been accumulated by the different knowledge communities, and ways in which these communities agree about the validity of their own knowledge.

Available at [Traditional Knowledge Bulletin online](#).

Media Releases

South Australia Native Title Services (SANTS)

‘De Rose Hill to receive Australia’s first native title compensation consent determination’ – 18 September, 2013

In 2011, the De Rose Hill native title holders claimed compensation from the State Government over areas where native title had been extinguished which significantly impacted sacred sites. In 2012, mediation was conducted between the State and the native title holders which resulted in finalising an agreement in 2013 without the need

for a trial. The confidential agreement resolves all of the State's liability to the De Rose Hill native title holders up until the date of the determination resulting in, amongst other things, a confidential monetary benefit to the native title holders. Keith Thomas, South Australian Native Title Services Chief Executive Officer, congratulated the parties on the resolution of the claim. 'This is a complex and largely untested area of native title. As a result, the parties needed to be innovative and pragmatic, while following the legal mechanisms and standards set by the *Native Title Act*. Notwithstanding these challenges, the parties have resolved this matter by agreement.'

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

Northern Land Council (NLC)

'NLC pushes for action at Redbank Mine' – 18 September, 2013

At a meeting coordinated by the NLC at Borroloola, traditional owners were joined by the Northern Territory Government's Willem Westra van Holthe (Minister for Mines and Energy) and Peter Chandler (Minister for Lands, Planning and the Environment), representatives from the Carpentaria Land Council, the Aboriginal Areas Protection Authority, the NT Environmental Protection Authority, and Redbank Copper Pty Ltd. The meeting was designed to bring key stakeholders together to discuss concerns and options for the remediation of Redbank Mine. Mr Westra van Holthe told the meeting that remediation of Redbank was a priority legacy issue for the Northern Territory Government.

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

Goldfields Land and Sea Council (GLSC)

'Endorsing Aboriginal Occupation of Australia' – 22 September, 2013

The Goldfields Land and Sea Council Board of Directors are excited by the study of Professor Eske Willerslev that establishes Aboriginal Australians as the population with the longest association with the land on which they still live today. The GLSC Board understands that this research is important for many people from an academic perspective and continues to endorse the work. However, it notes that Aboriginal people in the Goldfields, as elsewhere, always feel secure in their connection to this country and the research does not alter this fact. This research reinforces the significance of Aboriginal occupation of Australia, now shown to be even longer than previously thought. Aboriginal people feel exonerated in showing the broader community that they are by far the oldest continuous civilisation in the world.

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

The Queensland Cabinet and Ministerial Directorate

'Western Yalanji People's native title rights recognised' – 24 September, 2013

The Federal Court of Australia have recognised the Western Yalanji People's native title rights and interests over their traditional lands in far north Queensland in two consent determinations handed down in Cairns. Minister for Natural Resources and Mines, the Hon. Andrew Cripps said the determinations were the fourth native title determinations over Western Yalanji country, approximately 150 kilometres west of Cooktown. 'Native title rights over Western Yalanji country were first recognised in 1998 with subsequent recognition achieved in 2006,' Mr Cripps said. 'Today's determinations have built on those achievements and are further confirmation by the Australian legal system of the Western Yalanji People's right to exercise their traditional law and custom over their traditional lands.'

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

The Queensland Cabinet and Ministerial Directorate

'Wurrungu People's native title rights recognised' – 24 September, 2013

The Federal Court of Australia this week recognised the Wurrungu People's native title rights and interests over their traditional lands in far north Queensland in a consent determination handed down in Cardwell. Minister for Natural Resources and Mines The Hon. Andrew Cripps said the determination recognised the Wurrungu People's connection to their traditional lands. The Wurrungu determination recognises exclusive native title rights and interests over 25.5

hectares of land and non-exclusive native title rights and interests over an area of approximately 192,400 hectares of land west of Cardwell,.

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

Department of Prime Minister and Cabinet

‘Establishment of the Prime Minister’s Indigenous Advisory Council’ – 25 September, 2013

The Hon. Tony Abbott MP., Prime Minister of Australia, announced the establishment of the Indigenous Advisory Council. The Council will inform the policy implementation of the Coalition Government with a focus on practical changes to improve the lives of Aboriginal people. The Prime Minister announced the appointment of Warren Mundine as Chair of the Indigenous Advisory Council.

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

News Broadcasts and Podcasts

ABC Lateline

‘Jobs the key to making a difference for the Indigenous community’ – 16 September, 2013

Warren Mundine joins Emma Alberici to discuss the role of the newly formed Indigenous Advisory Council. Mr Mundine, Chair of the Indigenous Advisory Council, comments on addressing Indigenous disadvantage through the development of jobs.

Available at [Lateline online](#).

National Indigenous Radio Service

‘Warrungu people celebrate native title determination’ – 24 September, 2013

The Warrungu people of Cardwell have been recognised as native title holders over their traditional land in north-eastern Queensland. The Federal Court handed down the decision of the non-exclusive native title rights over the more than 190,000 hectares on Monday. Traditional owner Danny Hooligan says the almost 20 year battle was tough and says his people are positive about the future.

Available at [NIRS online](#).

9. 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.

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.

[Applications](#) closing **Friday 21 February 2014 for semester 1, 2014 entry**. For more information, see [Monash University website](#).

Aurora Native Title Research Scholarships

In 2008, the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) conducted a review of funding for the native title system to identify blockages and reallocate funds to target priority areas of need. The review found a shortage of experienced research staff, including anthropologists, cultural heritage researchers and historians, working in native title and a difficulty attracting and retaining junior professionals. In response, the government launched the Native Title Research Scholarship Program in 2010.

Conditions of the scholarship program:

- Funding provided by the scholarship is not fixed. It will depend on the tuition fees that apply for the university and the program undertaken.
- Scholarships are only offered in the year following the expiry of the tenure of the previous recipient. A maximum of three scholarships would run at any point in time and of these two may be PhD scholarships.

This year there are two scholarships being offered. These will be available for:

- Full-time study, with a maximum funding period of one year for a Masters by coursework, two years for a Masters by research and four years for a PhD.
- Part-time study, with a maximum funding period of two years for Masters by coursework and four years for a Masters by research.

For more information, see [Aurora Project website](#). Download an [application form](#) or contact the Aurora team ntrbscholarships@auroraproject.com.au.

10. Events

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

AIATSIS Culture in Crisis Seminar Series, Semester 2 2013

Date: Every Monday

Time: 12:30-1:30pm

Location: Mabo Room AIATSIS, Lawson Crescent, New Acton

Enquiries: For more information, please see [AIATSIS website](#).

View: To view the online webcast, please see [AIATSIS webcast channel](#)

2013 Native Title Anthropology Pre-AAS Conference Assembly

Date: 5 November 2013

Time: 1:30-5pm

Location: Australian National University, Sir Roland Wilson Building

Registration: For registration information go to ANU Centre for Native Title Anthropology [website](#)

Contact: Dr Pamela McGrath (02) 6261 4215 or email pamela.mcgrath@aiatsis.gov.au

AIATSIS and the Centre for Native Title Anthropology are once again convening a meeting of native title anthropologists in the lead up to the annual conference of the Australian Anthropological Society, which this year is being held at the ANU in Canberra, 6-8 November. The Assembly is an opportunity to meet other researchers working in a variety of roles across the native title sector, discuss the challenges and opportunities of native title research, and share information about upcoming training and professional development events. The agenda for the assembly will include presentations by Professor Jon Altman and Dr Gaynor Macdonald, and an open forum for discussion of topical issues.

Kellehers Australia – New Ideas in Law Series

Native Title Act and Aboriginal Entrepreneurial Opportunity

Date: 14 November 2014, 7:00pm-9:00pm

Location: Amora Hotel Riverwalk, 649 Bridge Road, Richmond Vic.

Registration: For registration information go to Kellehers Australia [website](#). Cost for registration \$65/per person.

Contact: Kellehers Australia (03) 6429 8111 or email chloe@kellehers.com.au

Leonie Kelleher, recently completed her PhD thesis examining the impact of *Native Title Act* on entrepreneurial opportunity within Aboriginal communities. She presents her findings at our November 'New Ideas in the Law' seminar. Aboriginal elders who participated in Dr Kellehers's PhD case study will describe their experiences with entrepreneurship and native title. The current Australian Law Reform Commissioner, Professor Lee Godden, who is reviewing the *Native Title Act*, will also explain the review. The seminar invites new ideas for understanding and improving legislation and government practice to optimise economic benefit for Aboriginal Australians.

For more information see [Kellehers Australian online](#).

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.

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

2014 World Indigenous Legal Conference

Remembering the past and looking to the future

Date: 23-27 June 2014

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

The 2014 World Indigenous Legal Conference is a biennial conference that brings together Indigenous lawyers, academics and interested parties to discuss issues of critical importance to Indigenous people. The conference will consider a range of topics including relationship to land and waters, indigenous knowledges, women and children, recognition of first nations peoples, economic independence and human rights.

For more information including the latest updates and registration, see [Indigenous Lawyers Association of Queensland Inc.](#)



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.

