



WHAT'S NEW IN NATIVE TITLE

December 2016

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1. Case Summaries

[Starkey on behalf of the Kokatha People v State of South Australia](#) [2016] FCA 1577

22 December 2016, Applications for Stay and Interim Injunction, Federal Court of Australia, South Australia, White J

This matter relates to both an application to stay the execution of orders, and in the alternative, an interlocutory injunction, in relation to the decision in the [Lake Torrens Overlap Proceedings \(No 3\) \[2016\] FCA 899](#). Those proceedings dealt with the overlapping claims made by the Kokatha, Adnyamathanha and Barngarla people for determinations of native title in relation to the lands and waters of Lake Torrens, South Australia. Mansfield J's decision to dismiss the claims is subject to appeals by all three groups. The appeals are scheduled to be heard by the Full Federal Court on 27 February 2017.

The Kokatha people sought an order under r 36.08 of the [Federal Court Rules 2011 \(Cth\)](#) staying the dismissal of their native title claim until the Full Court of the Federal Court has handed down judgment on the appeal, or at least until 27 February 2017. The stay was aimed at preventing the holders of exploration licences (the Mining Respondents) from commencing drilling on Lake Torrens. The Kokatha people believe this activity would be contrary to their rights and interests in the land should

the Full Court appeal succeed. White J followed the decision in [Cheedy v State of Western Australia](#) [2010] FCA 1305 in finding that there is no action required to give effect to a dismissal, and no orders to stay the execution of as a result.

The Kokatha people applied for an injunction in response to notices served on South Australian Native Title Services (SANTS) by the Mining Respondents, pursuant to s 63N of the [Mining Act 1971 \(SA\)](#). The interlocutory injunction application sought to prevent the Mining Respondents from applying to the Environment Resources and Development Court for a determination authorising entry to the land to commence exploration operations.

His Honour found that an appropriate undertaking had not been given as to damages in respect of the financial losses which might be caused to the Mining Respondents by the grant of an injunction. White J did not consider that any of the exceptions applied that would allow the grant of an injunction in the absence of such an undertaking. As a result, his Honour ordered that the application for interlocutory injunction be dismissed and costs reserved

[Narrier v State of Western Australia](#) [2016] FCA 1519

16 December 2016, Extinguishment and Connection Hearing, Federal Court of Australia, Western Australia, Mortimer J

This matter concerned connection and extinguishment issues in relation to the Tjiwarl native title claim, made on behalf of a group of Western Desert people in relation to approximately 13,600 square kilometres of land and waters between the towns of Wiluna and Leonora in Western Australia. The respondents in this matter are the State of Western Australia, the Shire of Leonora and various pastoral and mining interests.

Connection

Mortimer J accepted that the applicants may claim the specified land and waters because of their shared status as Nguraritja with common custodial responsibilities for the land. This decision was based on the similar finding of group title within the Western Desert cultural bloc in [De Rose v South Australia \(No. 2\) \(2005\) 145 FCR 290](#) at [44].

Mortimer J found that the claim area was occupied by Western Desert people at sovereignty and rejected the state's contentions that the grandparent generation of the claimants had usurped the original owners' rights to the land in the early 20th century. Her Honour found at [28]-[30] that members of the claim group were in and around the claim area at the time of sovereignty and later came into that country more permanently, to become recognised by the original inhabitants as Western Desert people. Mortimer J found that there was little reason to doubt the testimony of members of the claimant group regarding this historical connection to land, following the approach taken in [Gumana v Northern Territory of Australia](#) [2005] FCA 50 at

[208]. Mortimer J concluded that certain rights and interests of the Tjiwarl claim group have been continuously recognised and observed since sovereignty including the rights to possess, occupy and use the land; engage in cultural activities; and receive a portion of any traditional resources taken from land or waters taken by other Western Desert people. Mortimer J found that the applicant had not established continuous acknowledgement and observance of other claimed rights to protect resources and habitats, or the claimed right to make decisions about the use of the area by other Western Desert people.

Her Honour considered that the adaptations of laws were within the existing legal principles of the Western Desert people and were not so extensive that continuity of connection had been broken. Her Honour found that there was a continuous observance of the requisite normative content of the law and customs as defined in [Akiba v Queensland \[2010\] FCA 643](#) at [171]-[173].

Extinguishment

Her Honour's findings in relation to connection to land were subject to the findings on extinguishment and a November 2015 agreement between the parties that exclusive possessory rights had been extinguished.

The applicant claimed 16 additional lots under s 47B of the NTA, submitting that each of those areas had been resumed by the Crown, and were occupied by Tjiwarl claimants at the date of filing the Tjiwarl #1 and #2 claims. One of these lots was a public road, 13 were subject to mining tenements, and the remaining two lots were unallocated Crown land not subject to mining tenements.

In relation to the public road claimed by the Tjiwarl group, Mortimer J rejected the applicant's submissions that the resumption of the road gave rise to a prior interest in land created for the purposes of s 47B, applying the approach of the Full Court in [Fourmile v Selpam Pty Ltd \[1998\] FCA 67](#) at [186]-[187].

Mortimer J found that mining tenements over the claimed land did not render s 47B of the NTA inapplicable, based on analysis of the term 'mining lease' and the decision in [Banjima People v State of Western Australia \[2015\] 231 FCR 456](#).

Her Honour also applied *Banjima* when considering if the area had been occupied by the applicants under the meaning of s 47B(1)(c). Her Honour found that rather than occupy the claim lands and waters as a whole, occupation must be established with respect to each parcel of unallocated Crown land claimed, as do the conditions set out in s 47B(1)(b), for past extinguishment of native title to be disregarded.

After considering the above factors, her Honour determined that s 47B of the NTA only applied to two lots of land subject to mining tenements. Mortimer J held at [1222] that s 47B of the NTA did not apply to the remaining areas because the applicants had failed to prove that they were 'established in place' and therefore occupied the land in question.

The Court did not decide whether or not s 47B(2) allows for partial occupation of a block and therefore partial disregarding of extinguishment per [Banjima People v State of Western Australia \(No 2\) \[2013\] FCA 868](#) at [88]-[92]. Mortimer J noted that the words used in s 47B do not suggest that vacant Crown land must correlate to cadastral boundaries. Her Honour also noted that given a lack of evidence there could be potential for partial application of s 47B to the Yakabindie lot. Mortimer J directed the parties to present further submissions on occupation in relation to that lot. Her Honour considered that to interpret occupation wholly beneficially may be inconsistent with the approach of the court in [Rubibi Community v Western Australia \(No. 7\) \[2006\] FCA 459](#).

Mortimer J concluded that the renewals of pastoral leases on 1 July 2015 that overlapped with the claim area were valid future acts with effect against native title interests.

Her Honour directed that the parties must confer in order to draw up proposed minutes of orders and a determination in line with the Court's reasoning.

The proceedings were adjourned to a date to be fixed.

[Burragubba v State of Queensland \[2016\] FCA 1525](#)

16 December 2016, Application to Vary Costs Order, Federal Court of Australia, Queensland, Reeves J

In this matter, Reeves J dismissed an application to vary an order that the applicant, Mr Burragubba, pay the costs and reserved costs of the second respondent, Adani Pty Ltd. The costs order followed Reeve's J's dismissal of Mr Burragubba's application for judicial review in [Burragubba v State of Queensland \[2016\] FCA 984](#) (Burragubba #1).

History of the application

In April 2015, the National Native Title Tribunal (NNTT) made a [future act determination](#) per [s 39 of the NTA](#) allowing the grant of mining leases to Adani for the Carmichael Coal Mine and Rail Project on land subject to the Wangan and Jagalingou native title claim. The NNTT made the determination on the basis that the unsworn statement submitted by Mr Burragubba did not represent the views of the broader Wangan and Jagalingou claim group, as advised by that group.

In Burragubba #1, Mr Burragubba had submitted that under s 5(1) of the [Administrative Decisions \(Judicial Review\) Act 1977 \(Cth\)](#) (ADJR Act), Adani's conduct during the proceedings was analogous to fraud, due to the content presented in the project's Environmental Impact Statement, and the failure to provide certain expert reports on economic benefit. Mr Burragubba contended that the NNTT had therefore erred in construing the s 39 criteria in making its determination that the licences may be granted. The Federal Court did not consider that fraud was

established and found in favour of Adani. Mr Burragubba was ordered to pay Adani's costs.

Application to vary costs order

The present matter relates to Mr Burragubba's appeal of the costs order. Mr Burragubba submitted that there were special circumstances indicating that the usual rule of bearing the respondent's costs should not apply.

Mr Burragubba submitted that the 'spirit' of s 85A of the NTA allows the court to exercise discretion in the award of a costs order, despite his application for review being made under the ADJR Act. This argument had been rejected by the Court on the basis of the uncertain scope of the 'spirit' of the NTA in [*Burragubba v State of Queensland* \[2015\] FCA 1163](#) at [27]-[29], when the applicant had sought leave to amend the originating application.

Reeves J accepted Adani's submission that Mr Burragubba's conduct in the case was unreasonable. The applicant had amended his application on several occasions resulting in an adjournment and increased costs to the respondent.

Reeves J also accepted Adani's submission that the personal nature of Mr Burragubba's claim was potentially contrary to the interests of the Wangan and Jagalingou people. On this point, Reeves J reiterated the position his Honour had taken in *Burragubba #1* at [292]-[294]. His Honour ruled that if individuals comprising a native title party were able to act individually in discharging their roles as native title holders, then the NTA would become unworkable due to the difficulty reaching agreements within and between groups.

Finally, Reeves J rejected that argument that amending the costs order would be in the public interest. His Honour considered that the applicant was either pursuing his own interests or the interests of the claim group, neither of which could be characterised as a 'section of the public' in the sense described in [*Oshlack v Richmond River Council* \[1998\] HCA 11](#) [48]-[49].

***Peterson on behalf of the Wanna Nyiyaparli People v State of Western Australia* [2016] FCA 1528**

16 December 2016, Hearing on a Separate Question, Federal Court of Australia, Western Australia, White J

In this matter, White J heard a separate question under r 30.01 of the [*Federal Court Rules 2011 \(Cth\)*](#) to determine whether the apical ancestor of the Wanna Nyiyaparli claim group was a Nyiyaparli person who therefore had rights and interests in land claimed at Roy Hill Station. The Roy Hill claim area is entirely within the larger area claimed by the Nyiyaparli people.

The Nyiyaparli language group first lodged a claim for native title over areas of the Pilbara region in 1998. By 2005, the application had been amended to include the

descendants of Bill Coffin based on their identification and acceptance as Nyiyaparli people. In 2010, the application was amended to exclude those descendants, following anthropological advice about connection to country. The removal of the Coffin family group led to the filing of the Wanna Nyiyaparli claim in 2012.

The applicant submitted that the apical ancestor obtained his Nyiyaparli identity through his paternal grandmother by incorporation into the community as a Nyiyaparli person or alternatively by birth. The applicant relied upon evidence of incorporation laws and customs from the Western Desert society to establish the incorporation of their apical ancestor into the Nyiyaparli.

White J determined that based on anthropological evidence, the Coffin family's apical ancestor was not a Nyiyaparli person by descent nor incorporation. In coming to this decision, his Honour found that the laws and customs of the Western Desert society do not govern the ways that Nyiyaparli people obtain interests in land as submitted.

The native title application made on behalf of the Wanna Nyiyaparli group was dismissed in accordance with the previous orders made by Barker J in 2015 pending the outcome of this separate question. The three members of the Coffin family were removed as respondents to the Nyiyaparli claim.

[Lansen v Northern Territory of Australia \[2016\] FCA 1535](#)

16 December 2016, Application to Replace Applicant, Federal Court of Australia, Northern Territory, White J

This matter concerned an application to replace a deceased applicant of the Lorella Downs native title claim with two replacement applicants under s 66B of the NTA. The claim was filed by Mr Gordon Lansen on behalf of the Mara, Alawa, Yanyuwa and Gurdanji people on 5 December 2000. The respondent parties to the application were the Northern Territory of Australia, and mining and pastoral groups including Landmark Developments.

The court ordered that Mr Harvey and Mr Friday replace the original applicant in the proceedings, and that the heading of the claim and application be amended to reflect the names of the replacement applicants.

[Kynuna on behalf of the Bar Barrum People #5 v State of Queensland \[2016\] FCA 1504](#)

13 December 2016, Consent Determination, Federal Court of Australia, Dimbulah, Queensland, Reeves J

In this matter, Reeves J recognised the exclusive and non-exclusive rights and interests of the Bar Barrum People in relation to approximately 70 square kilometres

of land in northern Queensland. The determination area is on the Atherton Tableland north of Herberton, extending along the Walsh River.

The State of Queensland was a respondent to the application, along with 20 other respondents known as the 'Walsh River Respondents'. The claim was first filed in 2001. On 10 June 2016, Reeves J made determinations by consent in relation to four other applications filed on behalf of the Bar Barrum people in relation to surrounding lands. This matter was not able to be determined at that time as it was subject to a dispute between the applicants and the Walsh River Respondents. The Bar Barrum #5 applicants had originally sought to remove the Walsh River Respondents from the application by applying for an interlocutory application pursuant to s 84(8) of the NTA. After a successful mediation, the Bar Barrum applicants were given leave to withdraw the interlocutory application.

Reeves J recognised exclusive the native title rights and interests of the Bar Barrum people to possession, occupation, use and enjoyment in relation to 0.12 square kilometres of the claim area. In relation to water, the Court recognised non-exclusive rights to hunt, fish and gather, take and use natural resources, and take and use water for personal, domestic and non-commercial communal purposes.

In relation to the remainder of the claim area, his Honour recognised non-exclusive native title rights to access and live on the land; hunt and gather; use natural resources for personal, domestic and non-commercial communal purposes; and ceremonial, burial and cultural rights, including maintenance of significant places.

Reeves J noted that research about land tenure histories conducted by state respondents to native title claims should ideally strike a balance between the limited public resources and the need to resolve native title claims in a timely manner. His Honour commended the Queensland and South Australian governments' use of 'catch all' public works clauses and generic exclusion clauses to protect the public interest in the event that their streamlined land tenure research fails to identify an extinguishing act.

The Mbabaram Aboriginal Corporation is the nominated prescribed body corporate.

[Dodd on behalf of the Gudjala People Core Country Claim #1 v State of Queensland](#) [2016] FCA 1505; [Dodd on behalf of the Gudjala People Core Country Claim #2 v State of Queensland](#) [2016] FCA 1506

13 December 2016, Consent Determinations, Federal Court of Australia, Queensland, Reeves J

In these matters, Reeves J recognised the non-exclusive rights of the Gudjala people to land and waters in and around Charters Towers in North Queensland. The respondents to the #1 claim were the State of Queensland, energy providers, mining companies and pastoral interests. The respondents to the #2 claim were the State of Queensland, the Charters Towers Regional Council and the Flinders Shire Council.

In March 2014, a determination of native title was made by consent over part of the area claimed by the Gudjala people. These matters relate to the remaining area covered by the original application, which had been affected by the existence of military orders under r. 54 of the [National Security \(General\) Regulations 1939 \(Cth\)](#). The military orders had given the State of Queensland a type of exclusive possession over the claim area similar to fee simple. The [National Security Act 1939 \(Cth\)](#) was later amended so the state's rights to exclusive possession were extinguished at the end of the Second World War. Reeves J applied the decision in [Queensland v Congoo \[2015\] HCA 17](#) to find that the military orders made under the [National Security \(General\) Regulations 1939 \(Cth\)](#) did not extinguish the native title rights in relation to the claim area.

In both claims, Reeves J gave effect to the proposed orders agreed between the parties. Accordingly, his Honour recognised the non-exclusive rights of the Gudjala people to access the land and camp upon it; hunt and gather; take and use natural resources and water for personal, domestic and non-commercial communal uses; and maintain cultural activities and practices.

His Honour granted leave to the applicant to discontinue the part of the #1 application subject to previous exclusive possession acts under s 23B of the NTA.

Reeves J reiterated and supported his own comments in Bar Barrum #5 regarding the need to streamline the tenure research process on the part of state respondents.

The Ngragoonda Aboriginal Corporation is the prescribed body corporate.

[Limmerick on behalf of the Ngarlawangga People v State of Western Australia \[2016\] FCA 1442](#)

7 December 2016, Consent Determination, Federal Court of Australia, Western Australia, Barker J

In this matter, Barker J made an order of determination of native title without a hearing pursuant to s 87(2) NTA. The respondents in this case were the State of Western Australia and pastoralist groups.

The land subject to the claim covers 6,103 square kilometres in the Southern Pilbara Region of Western Australia, approximately 350 kilometres south of Port Headland. The claim area is largely made up of land subject to pastoral leases excluded from the area claimed in [Clarrie Smith on behalf of the Nharnuwangga, Wajarri and Ngarla People v Western Australia \[2000\] FCA 1249](#).

Barker J recognised the rights and interests of the Ngarlawangga people to access, camp and travel over the land; to hunt, gather and fish; to take and use water; to engage in cultural activities, and to bring certain non-Ngarlawangga people into the determination area.

The nominated prescribed corporate body is the Ngarlawangga Aboriginal Corporation.

[Doctor on behalf of the Bigambul People v State of Queensland](#) [2016] FCA 1447

1 December 2016, Consent Determination, Federal Court of Australia, Queensland, Reeves J

In this matter, Reeves J recognised the native title rights and interests of the Bigambul people over approximately 20,000 square kilometres of land from Balonne to Toowoomba. The respondents to the claim were the Goondiwindi, Toowoomba and Western Downs Regional Councils, the Balonne Shire Council, Ergon Energy, Telstra, and various mining and pastoral bodies.

This land forms the majority of the original area claimed by the Bigambul people. On 18 October 2016, the court divided the area into two parts. The claim for Part A was determined in this matter. Part B is made up of six lots subject to an appeal to the Full Court in order to determine if grants of exclusive possession have extinguished the Bigambul people's rights under s 23B of the [Native Title Act 1993 \(Cth\)](#).

His Honour divided the remaining Part A land into two further parts, over one of which the Court recognised native title rights to exclusive possession, occupation, use and enjoyment of the area except in relation to water. In relation to water, the Court recognised non-exclusive rights to hunt, fish and gather, take and use natural resources, and take and use water for personal, domestic and non-commercial communal purposes.

In relation to the remainder of the Part A land, Reeves J recognised non-exclusive rights to access, camp, hunt, fish, gather, and use natural resources from the area for personal, domestic, and non-commercial communal purposes; to take and use waters; and ceremonial, burial and cultural rights.

The Bigambul Native Title Aboriginal Corporation is the nominated prescribed body corporate.

2. Legislation

South Australia

[Statutes Amendment and Repeal \(Simplify\) Bill 2016](#)

Status: The Bill was received in the Legislative Council and read for the first time on 1 December 2016.

Stated purpose: This Bill serves to amend various Acts to simplify them for administrative and other purposes, or to remove obsolete or out of date matter or practices.

Native title implications: This Bill serves to amend s 22 of the [Crown Land Management Act 2009](#) (SA) (CLMA). Under the original Act, unalienated Crown land under may be dedicated for a specific purpose. Leases granted over dedicated land by a person other than the Minister have no effect unless the Minister has consented to the grant of the lease. The Bill will include a new s 22(5) stipulating that if councils grant leases of dedicated land under s 202 of the [Local Government Act 1999](#) (SA), Ministerial consent is not required where native title has been extinguished or the council is satisfied that the grant of the lease will not affect native title.

For further information please see the [Second Reading Speech](#) from the Legislative Council.

3. Native Title Determinations

In December 2016, the NNTT website listed four native title determinations.

Short name (NNTT)	Case Name	Date (NNTT)	State	Outcome	Legal Processes	Type	RNTBC/ PBC
Gudjala People	Dodd on behalf of the Gudjala People Core Country Claim #1 v State of Queensland	13/12/2016	QLD	Native title exists in the entire determination area	Consent	Claimant	Ngarragoonda Aboriginal Corporation
Gudjala People #2	Dodd on behalf of the Gudjala People Core Country Claim #2 v State of Queensland	13/12/2016	QLD	Native title exists in the entire determination area	Consent	Claimant	Ngarragoonda Aboriginal Corporation
Ngarlawangga People	Limmerick on behalf of the Ngarlawangga People v State of Western Australia	07/12/2016	WA	Native title exists in parts of the determination area	Consent	Claimant	Ngarlawangga Aboriginal Corporation
Bar Barrum People #5	Kynuna on behalf of the Bar Barrum People #5 v State of Queensland	05/12/2016	QLD	Native title exists in the entire determination area	Consent	Claimant	Mbabaram Aboriginal Corporation

4. Registered Native Title Bodies Corporate & Prescribed Bodies Corporate

The [Native Title Research Unit](#) within AIATSIS maintains a [RNTBC summary document](#) which provides details about RNTBCs and PBCs in each state/territory including the RNTBC name, RNTBC type (agent or trustee) and relevant native title determination information. The statistics for RNTBCs as of 4 January 2017 can be found in the table below.

Information on RNTBCs and PBCs including training and support, news and events, research and publications and external links can be found at nativetitle.org.au. 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.

State/Territory	RNTBCs	No. of successful (& conditional) claimant determinations for which RNTBC to be advised
Australian Capital Territory	0	0
New South Wales	6	0
Northern Territory	22	3
Queensland	79	3
South Australia	15	1
Tasmania	0	0
Victoria	4	0
Western Australia	39	2
NATIONAL TOTAL	165	9

Note some RNTBCs relate to more than one native title determination and some determinations result in more than one RNTBC. Where a RNTBC operates for more than one determination it is only counted once, as it is one organisation.

Source: <http://www.nntt.gov.au/searchRegApps/NativeTitleClaims/Pages/default.aspx> and Registered Determinations of Native Title and RNTBCs as at 4 January 2017.

5. Indigenous Land Use Agreements

In December 2016, 14 ILUAs were registered with the National Native Title Tribunal.

Registration date	Name	Tribunal file no.	Type	State or Territory	Subject matter
01/12/2016	Barngarla/Central Eyre Iron Project ILUA	SI2016/002	Area Agreement	SA	Mining
02/12/2016	Darumbal People Tenure Resolution ILUA	QI2016/037	Area Agreement	QLD	Native Title Settlement, Extinguishment, Tenure Resolution
02/12/2016	Darumbal People Protected Areas ILUA	QI2016/036	Area Agreement	QLD	Access, Co-Management
02/12/2016	Darumbal People/Templeton Creek ILUA	QI2016/032	Area Agreement	QLD	Access, Terms of Access
02/12/2016	Darumbal People/Oombah and Ten Mile ILUA	QI2016/031	Area Agreement	QLD	Access, Terms of Access
02/12/2016	Darumbal People/Moah Creek ILUA	QI2016/030	Area Agreement	QLD	Pastoral, Access
02/12/2016	Darumbal People/Goolara ILUA	QI2016/029	Area Agreement	QLD	Pastoral, Access
02/12/2016	Darumbal People/Baven ILUA	QI2016/042	Area Agreement	QLD	Pastoral, Access
02/12/2016	Yirendali People Claim Resolution ILUA	QI2016/039	Area Agreement	QLD	Access, Government
09/12/2016	Kwokkunum Access ILUA	QI2016/038	Body Corporate	QLD	Mining, Access
13/12/2016	Yawuru Nagulagun/ Roebuck Bay Marine Park ILUA	WI2016/004	Body Corporate	WA	Co-Management, Government
15/12/2016	FMG-Nyiyaparli Land Access ILUA	WI2016/003	Area Agreement	WA	Access, Large Mining
15/12/2016	Walka Wani Settlement ILUA	SI2016/003	Body Corporate	SA	Native Title Settlement
23/12/2016	Darumbal People, Livingstone Shire Council and Rockhampton Regional Council Local Government ILUA	QI2016/024	Area Agreement	QLD	Native Title Settlement, Consultation Protocol

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

6. Future Acts Determinations

In December 2016, five Future Acts Determinations were handed down.

Date	Parties	Tribunal file no.	State or Territory	Determination	Reasons for the Determination
02/12/2016	<u>Queensland and Eileen Beryl Peglar and Others on behalf of the Widi and Raymond Keith Richardson</u>	QF2016/0001	QLD	Objection - Expedited Procedure Applies	Member Shurven found that the proposed grant of a mining claim is unlikely to substantially or directly interfere with the native title interests of the Widi people due to the good relationship with Mr Richardson and the small scale of his proposed operations. State evidence submitted there were no Widi sites of significance within the area. Member Shurven determined that the expedited procedure applies subject to conditions imposed on an eventual grant of a mining claim. These conditions include that the Widi people and Mr Richardson must establish a liaison committee prior to the commencement of mining operations.
09/12/2016	<u>Kevin Allen and Others (Njamal) and Western Australia and Raymond Massini and John Potts</u>	WO2016/0483	WA	Objection – Expedited Procedure Applies	Member Shurven found that the proposed grant of a mining exploration licence was unlikely to interfere substantially with the community or social activities of the Njamal people, as they hunt and gather throughout the area. Based on the limited evidence before the tribunal, Member Shurven allowed the expedited procedure to apply because of the small scope of the exploration in question.
20/12/2016	<u>Leedham Papertalk and Others on behalf of Mullewa Wadjari and Western Australia and Buxton Resources Ltd</u>	WO2016/0161 WO2016/0162	WA	Objections - Dismissed	Member Shurven dismissed the objections of the Mullewa Wadjari to the grant of exploration licences to Buxton Resources as the claim group failed to submit contentions and evidence after being given sufficient opportunity to comply with the Tribunal's directions.

Date	Parties	Tribunal file no.	State or Territory	Determination	Reasons for the Determination
20/12/2016	<u>Keith Narrier and Others on behalf of Tijwarl</u> <u>-and-</u> <u>Montezuma Mining Company Ltd</u> <u>-and-</u> <u>Western Australia</u>	WO2015/1046	WA	Objection – Expedited Procedure Does Not Apply	Member Shurven determined that the expedited procedure does not apply to the proposed grant of exploration licences to Montezuma Mining on Tijwarl land. This order was based on the existence of registered aboriginal sites and heritage places within the licence areas. These include the Tjutjuralmal Tjukurrpa (honey blossom dreaming), ceremonial law grounds and objects associated with tjukurrpa stories. The Tijwarl claim group and Montezuma Mining are now required to negotiate in good faith to reach an agreement about the grant of the licences.
23/12/2016	<u>Leedham Papertalk and Others on behalf of Mullewa Wadjari</u> <u>-and-</u> <u>Western Australia</u> <u>-and-</u> <u>Deflector Mining Ltd</u>	WO2016/0165	WA	Objection - Dismissed	Member Shurven dismissed the objection of the Mullewa Wadjari to the grant of exploration licences to Buxton Resources as the claim group failed to submit contentions and evidence after being given sufficient opportunity to comply with the Tribunal's directions.

7. Publications

Carpentaria Land Council

The October- December 2016 edition of the Carpentaria Land Council newsletter is now available online. To download, [please visit the CLCAC website](#).

Gulf Region Aboriginal Corporation

The December edition of the Gulf Region Aboriginal Corporation newsletter is now available online. To download, [please visit the GRAC website](#).

Kimberley Land Council

The December edition of the Kimberley Land Council's newsletter is now available online. To download, [please visit the KLC website](#).

North Queensland Land Council

The December edition of the North Queensland Land Council's Message Stick is now available online. To download, [please visit the NQLC website](#).

8. Training and Professional Development Opportunities

AIATSIS

Aboriginal Studies Press

Sponsored by AIATSIS, the biennial Stanner Award is open to all aspiring Indigenous authors of academic works. The author of the winning submission will receive \$5000 in prize money, mentoring and editorial support to turn their manuscript into a publication, and publication by the award-winning publishing arm of AIATSIS, Aboriginal Studies Press.

Entries close at 5pm (EST) Tuesday 31 January 2017.

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

Australian Aboriginal Studies Journal

Australian Aboriginal Studies (AAS) is inviting papers for coming issues. AAS is a quality multidisciplinary journal that exemplifies the vision where the world's Indigenous knowledge and cultures are recognised, respected and valued. Send your manuscript to the Editor by emailing aasjournal@aiatsis.gov.au.

For more information, [visit the journal page of the AIATSIS website](#).

ORIC

ORIC provides a range of training for Aboriginal and Torres Strait Islander corporations about the [Corporations \(Aboriginal and Torres Strait Islander\) Act 2006 \(Cth\)](#), the corporations rule book and other aspects of good corporate governance.

For further information on training courses, [visit the ORIC website](#).

9. Events

AIATSIS

NTRB Legal Workshop

Registrations are now open for the NTRB Legal Workshop to be held at AIATSIS in Canberra in February 2017.

NTRB/NTSP lawyers are at the forefront of native title law, policy and practice. We aim to further NTRB knowledge of contemporary native title legal issues through a sector designed and led workshop. A range of issues will be covered, including compensation, PBC set up and development, agreement making innovation, the acceptance of connection, the rights and roles of interveners and costs.

Registrations close on 2 February 2017.

This is a CPD event. Registration is free and open to legal staff of native title representative bodies and service providers. Catering will be provided.

Date: 7-8 February 2017

Location: AIATSIS, Canberra

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

National Indigenous Research Conference

AIATSIS and the University of Canberra will be co-convening the AIATSIS National Indigenous Research Conference 2017. The Conference 'Impact, Engagement, Transformation' will draw together researchers, policymakers, cultural and collecting institutions, the corporate sector and Indigenous organisations and communities. The Conference will examine how we can more effectively target research efforts to achieve better policy outcomes and practice with lasting impact through transformative change.

Date: 21-23 March 2017

Location: Hotel Realm, Canberra

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

Centre for Native Title Anthropology

2017 CNTA Annual Conference: Emerging Strategic Issues in Native Title

The Centre for Native Title Anthropology annual conference is being held Perth this year. Registration for this free event is now open and has been capped at 100 places due to heavy demand. The CNTA will join the Federal Court and the National Native Title Tribunal for a combined session on the afternoon of Friday, 10 February to celebrate 25 years of native title anthropology. Presentations will be made by leading barristers and native title anthropologists as they explore the intersection of anthropology and Australian law in key native title cases.

Date: 9-10 February 2017

Location: Travelodge Hotel, 417 Hay Street, Perth

For further information and to register, please contact Julie Finlayson at julie.finlayson@anu.edu.au or on 02 6125 5859 / 0419 994 708. To register for the Friday afternoon session, please contact Mary McIntosh at mary.mcintosh@nntt.gov.au.

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

