



## WHAT'S NEW IN NATIVE TITLE

### MAY 2018

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### 1. Case Summaries

#### **[Akiba on behalf of Torres Strait Regional Sea Claim v State of Queensland \[2018\] FCA 772 \[2018\] FCA 601](#)**

#### **29 May 2018, Application to Disqualify Judge for Apprehended Bias, Federal Court of Australia – Queensland, Mortimer J**

This matter was a ruling on an interlocutory application made by the Torres Strait Regional Authority (TSRA) in proceeding QUD6040/2001, being the Torres Strait Regional Seas Claim (Part B) (Part B Sea Claim).

The TSRA sought two orders, cumulatively, or alternatively:

1. That this proceeding and proceedings QUD 266 of 2008, QUD 267 of 2008, QUD 362 of 2010, QUD 6005 of 2002, QUD 114 of 2017 and QUD 115 of 2017 be transferred to another Judge for hearing and determination.
2. Further or alternatively that Order 13 of this Honourable Court made on 19 December 2017 be discharged or set aside.

The basis for this proceeding and application was that Mortimer J should disqualify herself from any further involvement in this proceeding on the grounds of apprehended bias.

In January 2018, the TSRA also filed an application for leave to appeal, out of time, against other orders made on 19 December 2017. Leave to appeal was refused: see

[TSRA v Akiba on Behalf of the Torres Strait Regional Sea Claim \[2018\] FCA 601](#)  
(see case note below).

The evidence relied upon for the application is set out in an affidavit of Mr Besley, an employed solicitor at the TSRA. Mr Besley deposed in his affidavit that his evidence was given on the instructions of Dr Cecilia O'Brien, the Principal Legal Officer in the Native Title Office of the TSRA. There were objections to much of the affidavit material filed on behalf of the TSRA. The Commonwealth, the State of Queensland, the Kaurareg respondents, the Badu People (the applicants in QUD6005/02) and the three claim group member respondents all objected to the affidavit material on the grounds that it was irrelevant to the disqualification application.

For reasons her Honour gave orally during the hearing, Mr Besley's affidavit was inadmissible. Mortimer J accepted the submissions of the State and the Commonwealth that the affidavit was irrelevant in relation to the disqualification application set out in ground 1 of the TSRA's application. Her Honour further noted that much of what was contained within the affidavit was contested as to its accuracy and completeness and that parts of the affidavit were hearsay accounts of Dr O'Brien's instructions. The application was dismissed and an opportunity (set out in the orders) was provided for Parties to make submissions on.

### [Bright v Northern Land Council \[2018\] FCA 752](#)

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#### **24 May 2018, Application for Judicial Review, Federal Court of Australia – Northern Territory, White J**

White J dismissed the Rak Mak Mak Marranunggu clan's application for judicial review of the National Native Title Tribunal's decision to register an Indigenous Land Use Agreement (ILUA). In April 2015, the Northern Territory Government lodged with the Native Title Registrar (the Registrar) an application pursuant to [s 24CG\(1\)](#) of the *Native Title Act 1993* (Cth) (NTA) for the registration of an ILUA over all the land and waters (about 10km<sup>2</sup>) within the Town of Batchelor in the Northern Territory (the Batchelor ILUA). On the last day of the notification period (9 Sept 2015), the Registrar received 19 formal objections under [s 24CI](#) to the registration of the ILUA: one by Mr Virgil Warnir; and 18 by members of the Rak Mak Mak Marranunggu clan (the Mak Mak Objectors). On 5 May 2016, a delegate of the Registrar (the Delegate) announced her decision under [s 24CK](#) NTA to accept the Batchelor ILUA for registration.

This judgment concerned an application made pursuant to s 5 of the [Administrative Decisions \(Judicial Review\) Act 1977 \(Cth\)](#) (the ADJR Act) by eight of the Mak Mak Objectors (the applicants) seeking the quashing of the Delegate's decision. Mr Warnir did not make a corresponding application. The respondents to the application were the Northern Land Council (the NLC), the Northern Territory of Australia, the four persons who comprised the Applicant in the application for determination of

native title brought by the Warai and Kungarakany Groups in NTD 6057/2001 (known as Batchelor No 1) and the Registrar. With the exception of the Registrar, who filed a submitting appearance, all opposed the grant of relief sought by the applicants.

The applicants submitted that the Delegate had taken into account an irrelevant consideration by having regard to the grant by Mansfield J of leave to discontinue the Batchelor No 3 claim and the conditions attached to that grant. White J determined that all reasonable efforts to identify the person who hold or may hold native title in relation to the Town of Batchelor had been made and that these grounds of the application failed.

The second ground brought by the applicants was that there was no other evidence or other material to justify the Delegate's decision (ADJR Act s 5(1) (h)) and his Honour also concluded that these grounds of the application failed as no particulars or evidence were filed in support of this ground or allegation.

The final ground upon which the applicants relied was the assertion that the exercise of power by the Delegate was so unreasonable that no reasonable person could have exercised it in the same way. The applicable principles are set out in [\*Borkovic v Minister for Immigration and Ethnic Affairs \(1981\) 39 ALR 186\*](#). The only submission that was directed to this ground did not (in his Honour's opinion) rise above a bare assertion. For that reason his Honour found that the submission could not be sustained; given the large amount of material before the Delegate and the detailed written reasons that she provided. It was on that basis this third element of the submission for appeal failed and the application was dismissed.

### **[Doolan on behalf of the Andado, Pmere Ulperre, New Crown and Therreyererte Family Groups v Northern Territory of Australia \[2018\] FCA 752](#)**

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#### **24 May 2018, Consent Determination of Native Title, Federal Court of Australia – Northern Territory, Charlesworth J**

In this matter the Court ordered that there be a consent determination of native title in favour of the Andado, Pmere Ulperre, New Crown and Therreyererte family groups, not to be held in trust. The determination area covers approximately 18,848km<sup>2</sup> of land in the south-eastern region of the Northern Territory. The parties joined in an application for orders by consent under [s 87](#) of the *Native Title Act 1993* (Cth) (NTA), for the resolution of the whole of the native title claim.

The area comprises the estates associated with four family groups: Andado (Allen Family), Pmere Ulperre (Doolan (south) Family), New Crown (Doolan (west) Family) and Therreyererte (Hayes Family). There were six respondents to the application, the first of which was the Northern Territory of Australia. The Court found that the procedural requirements of s 87(1)(a)(i) and s 87(1)(b) NTA were met.

The Tyatyekwenhe Aboriginal Corporation was nominated as the prescribed body corporate.

### **Juru Enterprises v Adani [2018] FCA 752**

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#### **24 May 2018, Practice and Procedure, Federal Court of Australia – Queensland, Rares J**

In this matter the Court made orders that: (1) the trial proceed in the absence of both respondents pursuant to [Federal Court Rules 2011 \(Cth\) r30.21](#). The Court further ordered (5) that the second respondents pay the applicant's costs of and incidental to the proceeding, and that the applicant be granted leave to file and serve an interlocutory application for an order that a third party pay its cost of the proceedings.

Rares J earlier granted three consent determinations of native title in favour of the claim group, the first in July 2011 ([Prior on behalf of the Juru \(Cape Upstart\) People v State of Queensland \(No 2\) \[2011\] FCA 819](#)), the second (and presently relevant one) in July 2014 ([Lampton on behalf of the Juru People v State of Queensland \[2014\] FCA 736](#)) and the third in June 2015 ([Lampton on behalf of the Juru People v State of Queensland \[2015\] FCA 609](#)).

This proceeding concerned the final hearing of an application by Juru Enterprises Limited for a declaration that it is the nominated body for the purposes of the ancillary agreement dated 6 May 2013. The ancillary agreement came into existence pursuant to an Indigenous Land Use Agreement (ILUA) between it, the members of the Applicant on their own behalf and on behalf of the Native Title Claim Group, on the one part and on the other part Adani Abbot Point Terminal Pty Ltd, Adani Abbot Point Terminal Holdings Pty Ltd, Mundra Port Holdings Pty Ltd and Mundra Port Pty Ltd (Adani). Under the ancillary agreement, Juru Enterprises was designated as the Juru nominated body as at 6 May 2013, being the commencement date of the ancillary agreement. The ancillary agreement provided in cl 7 that Adani would pay moneys, described as the 'benefit payment,' to the Juru nominated body, being a body that satisfied a number of specific requirements in order for it to be capable of being nominated to that role under the ancillary agreement.

In each of the three consent determinations, Rares J determined that pursuant to [s 56\(2\)\(b\)](#) of the *Native Title Act 1993* (Cth), that the Juru People's native title rights and interests be held in trust by a registered native title body corporate, being the second respondent, Kyburra Munda Yalga Aboriginal Corporation. In October 2017, the Office of the Registrar of Indigenous Corporations appointed special administrators to Kyburra. Under cl 7.4 of the ancillary agreement, Adani had power, if, acting reasonably, it considered that the existing Juru nominated body did not meet the requirements of cl 7.2(a), to suspend paying benefits to it and to approve a replacement. In March 2017, Kyburra executed a deed (the March 2017 deed) in

which it was the only party, but was acting both in its role as the registered native title body corporate and as the incoming Juru nominated body.

The critical issue in this proceeding was whether, on 9 March 2017, Kyburra validly appointed itself under cl 7.3 as the Juru nominated body in place of Juru Enterprises. Rares J found that on Kyburra's admissions in the pleadings, there had been no compliance with cl 7.2(a)(i)(D), meaning the common law holders, the Juru people, had not agreed to Kyburra replacing Juru Enterprises as the nominated body.

Accordingly, Rares J found that at the time Kyburra executed and delivered the March 2017 deed to Adani and up to, at least, 23 February 2018, it did not satisfy the Juru nominated body requirements in cl 7.2(a)(i)(B) and (C) and was therefore incapable of being or becoming the nominated body. That is because Kyburra had not complied with the standards of accountability required by laws under which it was established and was, and remains in administration.

Rares J made declarations in support of Juru Enterprises continuing as the nominated body under the ancillary agreement.

### ***Jack on behalf of the Imarnte, Titjikala and Idracowra Estates v Northern Territory of Australia* [2018] FCA 708**

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#### **23 May 2018, Consent Determination of Native Title, Federal Court of Australia – Queensland, Charlesworth J**

In this matter the Court ordered that there be a consent determination of native title, not to be held in trust, in favour of the Imarnte, Titjikala and Idracowra estate groups. This application was commenced in June 2016 and relates to approximately 3225km<sup>2</sup> of land in the Central Region of the Northern Territory of Australia. The native title holders are the members of the five family groups with responsibility for the Imarnte, Titjikala and Idracowra estates. The respondents to the proceedings were the Northern Territory of Australia, Helium Australia Pty Ltd and Santos QNT Pty Ltd.

The Court was satisfied that the parties were competently represented and that it was appropriate, within the meaning of [s 87\(1A\)](#) of the [Native Title Act 1993 \(Cth\)](#), to make a determination in terms consistent with their written agreement.

The Rodinga Aboriginal Corporation was nominated as the prescribed body corporate.

**Torres Strait Regional Authority v Akiba on behalf of Torres Strait Regional Sea Claim [2018] FCA 601**

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**4 May 2018, Application for Leave to Appeal, Federal Court of Australia – Queensland, Jagot J**

This matter was determined on the papers. The Court ordered that (1) the application for leave to appeal filed 23 January 2018 be dismissed; and (2) any respondent to the application that wished to serve a proposed costs order and written submissions were to do so within 14 days.

This matter concerned an application for leave to appeal made by the Torres Strait Regional Authority (TSRA) to appeal authorisation ‘step and conduct’ orders made on 19 December 2017. The orders under challenge were set out in Mortimer J’s reasons for judgment: [Akiba on behalf of the Torres Strait Regional Seas Claim v State of Queensland](#) [2017] FCA 1560.

Jagot J considered the lack of merit of the application for leave to be manifest. Her Honour found that the orders had been properly made and the test for leave to appeal was not satisfied. The conclusion of a lack of substantial injustice was supported by the fact that the TSRA was represented before the primary judge on 18 December 2017 and did not object to the orders proposed to be made. Jagot J found that the TSRA’s submissions did not suggest any error in the discretionary exercise.

**Miller v State of South Australia (Far West Coast Sea Claim) (No 2) [2018] FCA 599**

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**2 May 2018, Strike Out Application, Federal Court of Australia – South Australia, White J**

In this matter the Court heard an application for summary dismissal or strike out of an application for a determination of native title (the Far West Sea Claim) on the basis that the claim was not properly authorised. The Court ordered that (1) the Applicant’s amended interlocutory application filed 10 May 2017 be dismissed; and (2) that the Bunna Lawrie’s interlocutory application filed 1 May 2017 be dismissed.

In 2013, the Court made a determination by consent concerning native title over land on the Far West Coast of South Australia: [Far West Coast Native Title Claim v State of South Australia \(No 7\)](#) [2013] FCA 1285 (the 2013 Determination). The 2013 Determination related to an area of approximately 75,249km<sup>2</sup> extending from the coast north of the town of Streaky Bay to the South Australian–Western Australian border and included the towns of Ceduna, Thevenard, Denial Bay, Smoky Bay, Penong, Fowlers Bay and Coorabie, but excluded the waters on the seaward side of the low water mark.

In March 2016, Leonard Miller Senior, Oscar Richards Senior, Allan Haseldine, Clem Lawrie, Penong Miller, James Peel and Arthur Catsambalas (collectively ‘the

Applicant’) filed the Far West Coast Sea Claim seeking a determination of the native title of the Far West Coast People over the sea area, which abuts the 2013 Determination area. In November 2016, Mr Michael Laing (represented by Campbell Law) filed Notice of Intention to Become a Party to the application. In January 2017, an entity describing itself as the Indigenous Justice Advocacy Network also filed a Notice of Intention to Become a Party on behalf of Robert Miller, Robert Lawrie, Dorcas Miller, Meegan Sparrow, Michael Laing, Rose Miller and Bunna Rupert Lawrie who it was said were acting ‘on behalf of the Mirning People’ – the ‘Bunna Lawrie Parties.’ The Bunna Lawrie Parties contended that the native title claim group was not a society capable of being granted native title, and sought the summary dismissal of the Far West Coast Sea Claim on that basis.

In May 2017, the Applicant filed an interlocutory application seeking the removal of Mr Laing and the Bunna Lawrie Parties as respondents to the Far West Coast Sea Claim. The Applicant filed an amended interlocutory application seeking, in the alternative, the removal of Mr Laing and the Bunna Lawrie Parties. The Indigenous Justice Advocacy Network filed an interlocutory application on behalf of the Bunna Lawrie Parties seeking the striking out of the Far West Coast Sea Claim on the basis that it had not been properly authorised, or in the alternative, the dismissal of the proceeding.

White J held that the applicant was not properly authorised at the first authorisation meeting. His Honour found that the resolution of the claim group at the second authorisation meeting that the individual applicants had been properly authorised at the first meeting to make the Far West Coast Sea Claim was ineffective. His Honour held that the application was noncompliant with s 61 of the NTA, but found that striking out of the claim would result in delay in the prosecution of that claim and additional expense. White J was satisfied that it is appropriate for the Court to decide to hear and determine the Far West Coast Sea Claim, despite the defects in its original authorisation.

His Honour exercised the discretionary power pursuant to s 84D(4) and dismissed the applications for strike out/dismissal of the claim.

## 2. Legislation

There were no relevant current Bills before the federal, state or territory Parliaments or relevant previous Bills that received Royal assent or were passed or presented during the period 1-31 May 2018.

### 3. Native Title Determinations

In May 2018, the NNTT website listed 4 native title determinations.

Short Name (NNTT)	Case Name	Date (NNTT)	State	Outcome	Legal Process	Type	RNTBC/ PBC
New Crown and Andado Pastoral Leases	<a href="#">Doolan on behalf of the Andado Pmere Ulperre, New Crown and Therreyererte Family Groups v Northern Territory</a>	24/05/2018	NT	Native title exists in parts of the determination area	Consent	Claimant	Tyatyekwenhe Aboriginal Corporation RNTBC
Maryvale Pastoral Lease	<a href="#">Jack on behalf of the Imarnte Titjikala and Idracowra Estates v Northern Territory</a>	23/05/2018	NT	Native title exists in parts of the determination area	Consent	Claimant	Rodinga Aboriginal Corporation RNTBC
Jabirr Jabirr/Ngumbarl	<a href="#">Rita Augustine &amp; Ors and Western Australia and others</a>	02/05/2018	WA	Native title exists in parts of the determination area	Litigated	Claimant	N/A
Bindunbur	<a href="#">Ernest Damien Manado and Ors and Western Australia and Ors</a>	02/05/2018	WA	Native title exists in parts of the determination area	Litigated	Claimant	N/A

### 4. Registered Native Title Bodies Corporate & Prescribed Bodies Corporate

The [Native Title Research Unit](#) within AIATSIS maintains 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 25 June 2018 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 [beta.nativetitle.org.au](http://beta.nativetitle.org.au). For a detailed summary of individual RNTBCs and PBCs see the 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	29	2
Queensland	84	0
South Australia	17	0
Tasmania	0	0
Victoria	4	0
Western Australia	46	3
<b>NATIONAL TOTAL</b>	<b>186</b>	<b>5</b>

**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 25 June 2018.

## 5. Indigenous Land Use Agreements

In May 2018, 16 ILUAs were registered with the National Native Title Tribunal.

Registration date	Name	Tribunal file no.	Type	State	Subject matter
29/05/2018	<a href="#">Sabai Island Torres Strait Social Housing ILUA</a>	QI2018/003	Body Corporate	Qld	Government, Community Living Area, Infrastructure, Residential
29/05/2018	<a href="#">Iama (Yam Island) Torres Strait Social Housing ILUA</a>	QI2018/004	Body Corporate	Qld	Government, Community Living Area, Infrastructure, Residential
29/05/2018	<a href="#">Erub (Darnely Island) Torres Strait Social Housing ILUA #2</a>	QI2018/005	Body Corporate	Qld	Government, Community Living Area, Infrastructure, Residential
29/05/2018	<a href="#">Warraber (Sue Island) Torres Strait Social Housing ILUA</a>	QI2018/006	Body Corporate	Qld	Government, Community Living Area, Infrastructure, Residential

Registration date	Name	Tribunal file no.	Type	State	Subject matter
29/05/2018	<a href="#">Kariyarra and State ILUA</a>	WI2017/016	Area Agreement	WA	Government, Access, Commercial, Extinguishment, Large mining, Residential
28/05/2018	<a href="#">Kooline Pastoral Lease ILUA</a>	W2018/001	Body Corporate	WA	Pastoral, Access, Government
18/05/2018	<a href="#">Wulli Wulli People Revenue Sharing ILUA</a>	QI2018/008	Body Corporate	QLD	Government, Extinguishment
18/05/2018	<a href="#">Topsy Creek Barge Ramp ILUA</a>	QI2018/001	Body Corporate	QLD	Infrastructure, Development, Transport
15/05/2018	<a href="#">Mitakoodi and Mayi People #5 Rail Load Out Facility ILUA</a>	QI2017/016	Area Agreement	QLD	Access, Commercial, Extinguishment
03/05/2018	<a href="#">Bailai, Gurang, Gooreng Gooreng and Taribelang Bunda People/Monte Christo ILUA</a>	QI2017/012	Area Agreement	QLD	Tourism, Access
03/05/2018	<a href="#">Port Curtis Coral Coast Tenure Resolution Area ILUA</a>	QI2017/013	Area Agreement	QLD	Native Title Settlement, Tenure Resolution
03/05/2018	<a href="#">Port Curtis Tenure Resolution Area ILUA</a>	QI2017/014	Area Agreement	QLD	Co-management, Native title settlement
03/05/2018	<a href="#">Budina and Emu Creek ILUA</a>	WI2017/018	Body Corporate	WA	Pastoral, Access
03/05/2018	<a href="#">Budina and Lyndon ILUA</a>	WI2017/019	Body Corporate	WA	Pastoral, Access
03/05/2018	<a href="#">Budina and Middalya ILUA</a>	WI2017/020	Body Corporate	WA	Pastoral, Access
03/05/2018	<a href="#">Budina and Towera ILUA</a>	WI2017/021	Body Corporate	WA	Pastoral, Access

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

## 6. Future Act Determinations

In May 2018, 6 Future Act Determinations were handed down.

Date	Parties	Tribunal file no.	State or Territory	Determination	Reasons for the Determination
25/05/2018	<a href="#"><u>Raymond William Ashwin and others on behalf of Wutha and Bullseye Mining and Western Australia</u></a>	WO2017/0165	WA	Objection - Dismissed	This matter concerned a notice issued under <a href="#"><u>section 29 of the Native Title Act</u></a> to grant an exploration licence to Bullseye Mining. The Wutha claim group lodged an objection with the NNTT against the application of the expedited procedure to the grant of the licence. Member Shurven dismissed the objection application on the basis that the native title party failed to meet the Tribunal's order for the provision of evidence and failed to meet a further written request for evidence in support of the objection to the expedited procedure.
14/05/2018	<a href="#"><u>David Smirke and others on behalf of the Jurruru People and Baracus Pty Ltd and Western Australia</u></a>	WO2017/0409	WA	Objection - Dismissed	This matter concerned a notice issued under <a href="#"><u>section 29 of the Native Title Act</u></a> to grant an exploration licence to Baracus Pty Ltd. The Jurruru People exercised their right to lodge an objection against the State's assertion that the expedited procedure applied to the grant of this licence. Member Shurven dismissed the objection application on the basis that the native title party failed to meet orders for the provision of evidence.
11/05/2018	<a href="#"><u>Kevin Allen and others on behalf of Njamal and Baracus Pty Ltd and Western Australia</u></a>	WO2017/0508	WA	Objection - Dismissed	This matter concerned a notice issued under <a href="#"><u>section 29 of the Native Title Act</u></a> to grant an exploration licence to Baracus Pty Ltd. The Njamal People exercised their right to lodge an objection against the State's assertion that the expedited procedure applied to the grant of this licence. Member Shurven dismissed the objection application on the basis that the native title party failed to meet orders for the provision of evidence.
11/05/2018	<a href="#"><u>Kevin Allen and others on behalf of Njamal and Baracus Pty Ltd and Western Australia</u></a>	WO2017/0353	WA	Objection - Dismissed	This matter concerned a notice issued under <a href="#"><u>section 29 of the Native Title Act</u></a> to grant an exploration licence to Baracus Pty Ltd. The Njamal People exercised their right to lodge an objection against the State's assertion that the expedited procedure applied to the grant of this licence. Member Shurven dismissed the objection application on the basis that the native title party failed to meet orders for the provision of evidence.

Date	Parties	Tribunal file no.	State or Territory	Determination	Reasons for the Determination
11/05/2018	<a href="#"><u>Kevin Allen and others on behalf of Njamal and Puck Resources Pty Ltd and Western Australia</u></a>	WO2017/0495	WA	Objection - Dismissed	This matter concerned a notice issued under <a href="#"><u>section 29 of the Native Title Act</u></a> to grant an exploration licence to Puck Resources Pty Ltd. The Njamal People exercised their right to lodge an objection against the State's assertion that the expedited procedure applied to the grant of this licence. Member Shurven dismissed the objection application on the basis that the native title party failed to meet orders for the provision of evidence.
2/05/2018	<a href="#"><u>Marine Produce Australia Pty Limited and Mayala People and Western Australia</u></a>	WF2017/0017	WA	Future Act - NIGF Not Satisfied - Tribunal does not have jurisdiction	The State of Western Australia gave notice of its intention to compulsorily acquire native title rights and interests in respect of Lot 355 on Deposited Plan 407212 comprising Barnicoat Island, West Kimberley. The Mayala People have a registered native title claim encompassing Barnicoat Island. The purpose of the proposed compulsory acquisition is for the Government party to grant Marine Produce Australia Limited (MPA), a lease for aquaculture purposes. In this matter, the parties did not reach an agreement of the kind mentioned in <a href="#"><u>s 31(1)(b) of the Native Title Act</u></a> and MPA lodged a future act determination application on 14 August 2017. Member McNamara was not satisfied that MPA did not negotiate in good faith and was satisfied that the State of Western Australia did not negotiate in good faith regarding the compulsory acquisition of native title rights and interests in respect of Lot 355. Member McNamara concluded that pursuant to <a href="#"><u>s 36(2) of the Act</u></a> , the Tribunal has no power to proceed to make a determination as to whether or not the future act may be done (with or without conditions).

## 7. Publications

### ANU E Press

#### ***Australian Native Title Anthropology: Strategic practice, the law and the state***

This book by Kingsley Palmer is about the practical aspects of anthropology that are relevant to the exercise of the discipline within the native title context. The engagement of anthropology with legal process, determined by federal legislation, raises significant practical as well as ethical issues that are explored in this book.

This publication is available for free download or purchase print copy at [ANU E Press website](#).

### South Australian Native Title Services

#### ***Aboriginal Way***

The Autumn 2018 edition of Aboriginal Way is available for download on the [SANTS website](#).

### Yamatji Marlpa Aboriginal Corporation

Yamatji Marlpa Aboriginal Corporation's April 2018 Newsletter is available for download [here](#).

### Kimberley Land Council

#### ***'Kimberley Traditional Owners establish Martuwarra Fitzroy River Council'***

For the full story on the Fitzroy River Declaration see the Kimberley Land Council news which is available for download [here](#).

### Central Land Council

#### ***Land Rights News***

The May 2018 edition of Land Rights News is available for download [here](#).

## 8. Training and Professional Development Opportunities

### AIATSIS

#### ***Australian Aboriginal Studies***

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](mailto:aasjournal@aiatsis.gov.au). For more information, visit the [AIATSIS website](#).

## 9. Events

### **Arts Libraries Society of Australia and New Zealand**

#### ***Biennial Conference 2018***

The 2018 Art Libraries Society of Australia and New Zealand (ARLIS/ANZ) conference will be held at the National Portrait Gallery (day one) and the National Gallery of Australia (day two). The theme is 'Expanding our Reach: Art, Research and Access, delving into the expanded uses and users of Art Library collections'. The society invites abstracts from art librarians, archivists, artists, scholars, authors, curators, critics, educators, students and other visual arts professionals.

**Date:** 4–5 October 2018

**Location:** Canberra, ACT

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

### **Australian Archaeological Association**

#### ***2018 Conference***

The Australian Archaeological Association (AAA) Annual Conference is a major event for archaeologists, members and non-members, to get together, present papers and posters or just find out about the latest archaeological discoveries. AAA has about 1000 members and the Annual Conference typically attracts about 400 to 500 delegates from Australia and overseas. It encourages a broad-cross section of the archaeological community to attend and reduce travelling costs for participants. The AAA 2018 conference is being jointly run by the New Zealand Archaeological Association (NZAA).

**Date:** 28 November – 1 December 2018

**Location:** Auckland, New Zealand

The call for papers closes on 20 July. For more information visit the [AAA website](#).

### **Liquid Learning**

#### ***Indigenous Women's Leadership Summit***

The 7th Indigenous Women's Leadership Summit provides an essential platform for aspiring, existing and emerging leaders. The summit creates a forum to share stories, wisdom and a passion for leading with the body, heart, soul and spirit. Discussions will delve into how we combine our cultural roles with the responsibilities of the business world. We will also explore strategies to effectively put ourselves forward for workplace opportunities. The theme of the summit is 'Pioneering Pathways'.

**Date:** 28–31 August 2018

**Location:** Novotel, Sydney

More information is available [here](#). To purchase tickets visit the [Eventbrite page](#).

## **NAIDOC Week**

### ***Blak Markets National Indigenous NAIDOC Art Fair***

The iconic Blak Markets will again host the National Indigenous NAIDOC Art Fair at the Overseas Passenger Terminal. Aboriginal and Torres Strait Islander artists from 22 remote Aboriginal arts centres will bring their artworks, sculptures, textiles and accessories to Sydney to exhibit and sell at the market and host workshops demonstrating their amazing arts and cultural practices.

**Date:** Saturday 30–Sunday 1 July 2018

**Location:** La Perouse School, Yarra Rd, La Perouse

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](#).

