

Gunarmu Aboriginal Corporation

OVERVIEW

The Gunarmu Aboriginal Corporation administers land on behalf of the Ngaliwurru and Nungali persons who are members of the Makalamayi, Wunjaiyi, Yanturi, Wantawul and Maiyalaniwung estate groups. Their ownership over the land was recognised in the *Timber Creek* native title determination of 2006.

This case arose from a native title claim made in 1999, which was extensively litigated. While the Ngaliwurru and Nungali's native title rights over some parts of the claim area had been established in 2006, litigation continued over other locations until 2008 when it was eventually determined by the High Court.

In a legal context, the High Court decision in *Timber Creek* sets an important precedent for how native title, or any other kind of property right, can be extinguished. This case turned on whether the Northern Territory could compulsorily acquire land 'for any purpose', including to grant a lease to a private business. The High Court held that under the terms of the Northern Territory legislation the power had been appropriately exercised. In this case, the compulsory acquisition had the effect of extinguishing native title.

RNTBC PROFILE

NAME OF RNTBC ORIC HYPERLINK	GUNARMU ABORIGINAL CORPORATION
TYPE OF RNTBC ATNS HYPERLINK	AGENT
STATE/TERRITORY	QLD
MAP NNTT HYPERLINK	http://www.nntt.gov.au/Publications-And-Research/Maps-and-Spatial-Reports/Documents/Quarterly%20Maps/Determinations_PBCs_A4.pdf
CONTACT DETAILS ORIC HYPERLINK	http://www.orac.gov.au/Search.aspx?Search=gunarmu+aboriginal+corporation&Type=Name

RNTBC ADMINISTRATION

INDIGENOUS CORPORATION NUMBER	4765
DATE OF INCORPORATION	26/06/2007
CERTIFICATE OF INCORPORATION ORIC HYPERLINK	http://www.orac.gov.au/document.aspx?concernID=104765
CORPORATION OBJECTS & RULES ORIC HYPERLINK	http://www.orac.gov.au/document.aspx?concernID=104765
LIST & NAMES OF MEMBERS ORIC HYPERLINK	http://www.orac.gov.au/document.aspx?concernID=104765

NATIVE TITLE DETERMINATION INFORMATION

NNTT SHORT NAME NNTT HYPERLINK	TIMBER CREEK
CASE LAW AUSTLII HYPERLINK	Griffiths v Northern Territory of Australia (No 2) [2006] FCA 1155
DATE OF DETERMINATION	28/08/2006
TYPE OF DETERMINATION ATNS HYPERLINK	LITIGATED DETERMINATION
DETERMINATION OUTCOME	NATIVE TITLE EXISTS IN THE ENTIRE DETERMINATION AREA
TRIBUNAL FILE NO	DC99/16
FEDERAL COURT FILE NO	NTD6016/1999
NATIVE TITLE RIGHTS AND INTERESTS ¹	<p>The native title rights and interests of the <u>estate group members</u> in relation to the determination area are the non-exclusive rights to use and enjoy the land and waters in accordance with their traditional laws and customs being:</p> <ul style="list-style-type: none"> (a) the right to travel over, move about and to have access to the determination area; (b) the right to hunt, fish and forage on the determination area; (c) the right to gather and to use the natural resources of the determination area such as food, medicinal plants, wild tobacco, timber, stone and resin; (d) the right to have access to and use the natural water of the determination area; (e) the right to live on the land, to camp, to erect shelters and other structures; (f) the right to: <ul style="list-style-type: none"> (i) engage in cultural activities; (ii) conduct ceremonies; (iii) hold meetings; (iv) teach the physical and spiritual attributes of places and areas of importance on or in the land and waters; and (v) participate in cultural practices relating to birth and death, including burial rights. (g) the right to have access to, maintain and protect sites of significance on the determination area; (h) the right to share or exchange subsistence and other traditional resources obtained on or from the land or waters (but not for any commercial purposes); these native title rights and interests do not confer on the estate group members possession, occupation, use and enjoyment of the land and waters to the exclusion of all others. <p>In accordance with traditional laws and customs, <u>other Aboriginal people</u> have rights in respect of the land and waters of an estate which is not their own, such people being:</p> <ul style="list-style-type: none"> (a) members of estate groups from neighbouring estates; (b) spouses of the estate group members; and (c) members of other estate groups with ritual authority. <p>The native title rights and interests of the persons referred to above in relation to the determination area are the non-exclusive rights to use and enjoy the land and waters in accordance with their traditional laws and customs being:</p>

¹ These native title rights and interests are subject to the laws of the Commonwealth and the Northern Territory. They may also be subject to particular interests specified in the determination.

	<p>(a) in relation to members of estate groups from neighbouring estates - rights of access to, and rights to hunt, fish and gather the natural resources on the land and waters of their neighbouring estate group members;</p> <p>(b) in relation to spouses of estate group members - rights of access to, and to hunt, fish and gather the natural resources on, the land and waters of their spouse's estate;</p> <p>(c) in relation to members of other estate groups who hold ritual authority - rights to act, in accordance with traditional laws and customs, in relation to the maintenance and protection of sites associated with travels of an ancestral being associated with a Dreaming which passes through the estates in the determination area.</p> <p>These native title rights and interests do not confer on the other Aboriginal people above possession, occupation, use and enjoyment of the land and waters to the exclusion of all others.</p>
AREA OF LAND	N/A
LOCATION OF DETERMINATION AREA	VARIOUS LOTS WITHIN THE TOWN OF TIMBER CREEK AND ALONGSIDE TIMBER CREEK ITSELF, NORTHERN TERRITORY
NTRB REGION NTRB HYPERLINK	NORTHERN LAND COUNCIL

ADDITIONAL ELECTRONIC RESOURCES

Case note	<p>Lisa Strelein, <i>Compulsory Acquisition powers: Griffiths v Minister for Lands Planning and Environments [2008] HCA (15 May 2008)</i>, Native Title Research Unit Resource Pages, 2008.</p> <p>Available at: http://ntru.aiatsis.gov.au/research/griffiths/compulsory_acquisition_griffiths.pdf</p>
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