

Media Statement



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COMPENSATION A HISTORIC WIN FOR TIMBER CREEK

The Ngaliwurru and Nungali people in the Northern Territory have forged a new path for Traditional Owners across the country according to the National Native Title Council (NNTC).

NNTC CEO Glen Kelly said the Timber Creek compensation claim is a just and appropriate outcome for the Ngaliwurru and Nungali people after their seven year legal battle to claim native title rights across parts of the town back in 2006.

“This Court action was a test case to quantify the loss of native title rights for traditional peoples to protect sites of significance and to carry out traditional activities on country. The Northern Land Council should be congratulated on pursuing compensation over Timber Creek as it creates a precedent for future claims.

“The decision by Justice Mansfield will help guide future compensation claims, some of which could amount to significant amounts of money,” said Mr Kelly. “The Judge determined that activities such as the building of infrastructure had resulted in the loss of native title rights and interests and Traditional Owners should be compensated for that loss.

“Being inhibited from practicing your culture and protecting your heritage has a significant value to Traditional Owners and the Federal Court has provided some guidance on how that lost value can be quantified. A number of native title claims will include many areas that have been impacted by development that Traditional Owners have had no say over or were unable to protect their cultural values at the time”.

“The Timber Creek decision has been a long time coming and we now have some clarification about the kinds of principles that may frame future compensation claims”.

Mr Kelly said there are several claims currently in process for compensation over other areas. “Those applicants would have been watching the Timber Creek case with interest and will now have a level of confidence about the success of their own claims.

“The loss of native title rights and interests over traditional country has a value and the Timber Creek case has shown that it is important for that loss to be compensated. This is a just outcome for native title”.

The NNTC is the peak body for the Indigenous native title sector.

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