

**ISSUE: Mundy – Ngarigu People Recognition**

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- Ellen Mundy is pursuing a discrimination complaint against the Chief Minister and the Minister for Aboriginal and Torres Strait Islander Affairs.
- The legal claim on behalf of the Ngarigu people argues that the group has been left out of the decision making process by the ACT Government when it makes decisions about acknowledging culture and history and in providing services to the territory's Indigenous people.
- Tribunal Member, Alan Anforth, ruled the case should be heard.
- According to Ms Mundy's lawyer, Sam Tierney of Maurice Blackman, the claim was "about making the ACT Government realise it must acknowledge that there is more than one Aboriginal group of people who have a traditional connection to the ACT. There is strong anthropological and other evidence to support the case of the Ngarigu people".
- The ACT Government has been accused of giving preference to only one group while refusing to consider the equal or possibly stronger claims of another and discriminating against the Ngarigu people.
- The ACT Government consults with the Aboriginal and Torres Strait Islander community through a number of forums including the Aboriginal and Torres Strait Islander Elected Body, which is comprised of members from a diverse range of Aboriginal and Torres Strait Islander interest groups including one member from the Ngannawal community.
- The ACT Government continues to explore family history of the Ngarigu families and their connection with the ACT through the Genealogy project. Ms Mundy is involved with this process.

**Background**

On 29 April 2010, Ms Ellen Mundy requested the Human Rights Commission to refer her complaint of discrimination against the ACT Government to the ACT Civil and Administrative Tribunal for resolution.

On 3 May 2010, the Human Rights Commission referred Ms Mundy's complaint to the Tribunal. Mediation and discussions, following mediation, failed to resolve the matter and on 26 July 2011, Ms Mundy finished filing and serving her documents to the Tribunal.

The ACT Government subsequently submitted an application for the Tribunal to dismiss Ms Mundy's complaint and Ms Mundy responded on 19 September 2011.

The ACT Government is considering whether or not to provide a further response and the Tribunal will have the opportunity to determine the dismissal application on 19 October 2011.

CONTACT OFFICER: Nic Manikis  
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AGENCY: CSD – OMATSIA

**Question Time Brief**  
**Mediation – Mundy**

**History of Amendments to Fact Sheets**

Fact Sheets are held in the Shared Folder ONLY. You MUST COMPLETE the table below to provide a detailed history of any Fact Sheet amendments.

Date	Name	Changes/Nil changes required
21 June 2010	Nic Manikis	created
3 August 2010	Nic Manikis	Minor amendment
8 October 2010	Nic Manikis	No Change
1 February 2011	Nic Manikis	Updated
22 February 2011	Nic Manikis	No Change
16 March 2011	Nic Manikis	Minor amendment

**QUESTION TIME BRIEF**  
**29 March 2011**

**SUBJECT:** Mediation – Mundy-

**ISSUE:** General

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- o Ms Mundy has made a complaint to the Human Rights Commission concerning recognition of the Ngarigu people.
  - o The matter is the subject of mediation before the ACT Civil and Administrative Tribunal and is still before the Tribunal.
  - o Tribunal mediations are private between the parties. The specifics of matters discussed are not able to be raised in public.
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**Contact:** Nic Manikis Director OMATSIA

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**QUESTION TIME BRIEF**  
**8 March 2011**

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**Contact:** Nic Manikis Director OMATSIA

**Darville, Pam**

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**From:** Rutledge, Geoffrey  
**Sent:** Tuesday, 12 February 2013 5:20 PM  
**To:** CMCD DLO  
**Subject:** Caveat Brief - ANU Report.

The Caveat Brief is for your information only.

ANU researcher Dr Kwok has developed a report on the traditional owners of the Canberra Region. Whilst not conclusive it does recognise four groups converging on Canberra – Ngunnawal, Ngarigo, Walgulu and the Ngambri.

The draft report is being circulated within government, and within the research community. This could lead to extensive debate amongst the community (as previous debates have had).

The Report is likely to be handed to the Minister for Indigenous Affairs in the next couple of weeks. He will be separately briefed at the time by his Directorate.

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**ACT**  
Government

## Caveat Brief

To Chief Minister  
From Director, Social Policy and Implementation *GH 11/12*  
Subject ANU Report – Considering Traditional Aboriginal Affiliations in the ACT Region

Cleared by Deputy Director-General *GD 12/12*  
Copy: Director-General, Chief Minister and Cabinet

- Currently, the ACT Government recognizes the Ngunnawal people as the traditional land custodians for the ACT region.
- ANU anthropologist Dr Natalie Kwok has drafted *Considering Traditional Aboriginal Affiliations in the ACT Region* (the Report) examining traditional Aboriginal associations to country for the ACT region. The paper is currently under peer review and is expected to go to the Minister in mid February 2013.
- The Report was commissioned by the ACT Government. It was an outcome of the settlement of a discrimination case against the Minister for Aboriginal and Torres Strait Islander Affairs and the Chief Minister by Ngarigu woman Ellen Mundy in 2011/12.
- The Report warns all conclusions are tentative; due to the timeframe it was not possible to locate and thoroughly investigate and analyse all materials.
- The Report findings are based on ethnographic accounts, published notes, journal entries and official reports of several researchers. The author notes and analyses the inconsistency in method as well as contradictory findings within the research.
- The Report suggests that at least four different groups were converging on Canberra at the time of European settlement; the Ngunawal, the Ngarigo, the Walgalu and the Ngambri.
- The Report avoids making any conclusions; rather it provides an analysis of the evidence and posits certain theories. The author suggests conducting further anthropological and genealogical research to add more light into understandings of traditional configurations.
- || ◦ The findings in the Report may impact upon the identity and landed affiliations of current local Aboriginal people, and have implications for the Government and the wider community.
- It is expected that the Report will be discussed at the next Aboriginal and Torres Strait Islander Committee to the Strategic Board meeting in early March. At this time, it is expected that the report will have been made public and we will know the extent of its impact.

Jacinta Spinks  
11-February 2013