

Talking South Australia



NATIONAL NATIVE TITLE TRIBUNAL STATE E-NEWS

ISSUE 5, DECEMBER 2006

NNTT mediation and assistance

The following South Australian claims are in mediation with the Tribunal:

- Adnyamathanha overlaps
- Antakirinja Matu-Yankunytjatjara
- Eringa #1
- Eringa#2
- Far West Coast
- First Peoples of the River Murray
- Gawler Ranges
- Irrwanyere Mt Dare
- Kokatha overlaps
- Wangkangurru/Yarluyandi
- Yankunytjatjara/Antakirinja

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Adnyamathanha overlaps (Arabunna; Dieri; Barngarla; Nukunu)

Adnyamathanha #1 and #2 are registered claims in mediation facilitated by Chris Sumner and Bardy McFarlane to address the overlaps only.

The Tribunal continues to progress the resolution of these overlaps which have now been listed for trial in 2008.

Antakirinja Matu-Yankunytjatjara

The Statewide ILUA Breakaways Reserve negotiations, which Bardy McFarlane is facilitating, are to be finalised this financial year.

Wangkangurru/Yarluyandi; Eringa #1 and Eringa #2; Irrwanyerre Mt Dare

Bardy McFarlane is also facilitating consent determination negotiations for Witjira National Park and the Statewide ILUA Wangkangurru/Yarluyandi pastoral negotiations, which are on schedule to be finalised next year.

Far West Coast

The parties have elected to pursue the local government, pastoral, fishing and aquaculture, mineral exploration, parks and pastoral issues via the South Australian ILUA Statewide Negotiations.

Tribunal member, Chris Sumner, is monitoring resolution of this claim via the Statewide ILUA negotiations which are being facilitated by the Independent Chair Ian Dixon. Negotiations are scheduled to commence this financial year on the local government; parks; mineral expiration template ILUA and pastoral issues. The claimants have expressed aspirations to negotiate a consent determination and the Tribunal has prepared the timetable for those negotiations.



First Peoples of the River Murray and Mallee Region

Tribunal member, Chris Sumner, is monitoring resolution of this claim via the Statewide ILUA negotiations being facilitated by Ian Dixon. The River Murray ILUA is expected to be settled this financial year. Negotiations concerning local government, pastoral, and fishing and aquaculture issues are also scheduled for this financial year. The claimants have been asked to indicate whether they have aspirations to negotiate a consent determination and, in preparation for such negotiations, the Tribunal has prepared a timetable.

Gawler Ranges

Tribunal member, Chris Sumner, is monitoring resolution of this claim via the Statewide ILUA negotiations, being facilitated by Ian Dixon. Negotiations are underway over issues about pastoral properties, parks and the Outback Areas Trust (OAT) with resolution expected this financial year. The claimants have expressed aspirations to negotiate a consent determination, and the Tribunal has prepared a timetable for those negotiations.

Kokatha overlaps (Barngarla; Arabunna; Kuyani-Wilyaru)

This registered claim, and its overlaps with the Arabunna and Barngarla claims, and Kuyani-Wilyaru interests, is listed for trial next year. The overlaps are in mediation, and memoranda of understanding are expected to resolve the overlaps.

Tribunal member, Bardy McFarlane, is facilitating the mediation of these overlaps. The overlapping claims have consequently been listed for hearing in August 2007. Bardy is also facilitating an ILUA for the expansion of Olympic Dam.

Yankunytjatjara/Antakirinja:

The Tribunal continues to mediate the negotiation of a Statewide OAT ILUA in relation to the interests of the Marla District Progress Association and the applicants. The process, facilitated by Bardy McFarlane, is on track for registration of a Statewide ILUA OAT agreement by the end of this financial year.

ILUA negotiations (outside the mediation program)

Currently, the Tribunal is facilitating the following ILUA negotiations outside the mediation program:

- Yandruwandha/Yawarrawarrka Statewide ILUA pastoral
- Yandruwandha/Yawarrawarrka Statewide ILUA OAT
- Yandruwandha/Yawarrawarrka Statewide ILUA parks
- Yandruwandha/Yawarrawarrka Statewide ILUA MET
- Narungga Statewide ILUA fishing and aquaculture
- Lucky Bay to Wallaroo Ferry Service ILUA.



Yandruwandha/Yawarrawarrka parks meeting at Callyamurra waterhole in the north east of South Australia

Statewide ILUA program (refer www.iluasa.com)

The following Statewide ILUA negotiations are scheduled for negotiation this financial year but are not currently facilitated by the Tribunal:

- Adnyamathanha #1 pastoral ILUA
- Adnyamathanha #1 MET ILUA
- Antakirinja local government ILUA
- Dieri petroleum ILUA
- Kurna local government ILUA
- South-East local government ILUA
- Wangkangurru/Yarluyandi petroleum ILUA
- Wirangu #2 fishing and aquaculture ILUA.

Federal Court activity

At the last Federal Court sitting held on 14 September 2006 the following specific orders were made:

- The two Adnyamathanha claims were listed, at the request of the claim groups, to be heard in 2008 and orders made at a directions hearing on 30 November 2006.
- The directions hearing on 30 November 2007 also considered the progress made in the Far West Coast, Antakirinja Matu-Yankunytjatjara and the First Peoples of the River Murray and Mallee Region

claims.

- Mediation reports for all claims are required on 1 March 2007, and the parties' submissions regarding the status of the claims by 9 March 2007.
- The next callover of all South Australian claims (except the Kokatha overlap proceedings) will be held on 15 March 2007.

On 27 November 2006, Justice Finn held a directions hearing regarding the Kokatha overlap proceedings:

- Mediation of the overlaps is to continue, and it is hoped it will lead to a combined claim arrangement.
- If the mediation does not produce such an outcome and the matter is proceeding to trial as scheduled, then the Arabunna claim is liable to be struck out.
- Next directions hearing is set for 9 February 2007.

On 30 November 2006, Justice Mansfield made decisions at directions hearings for:

- Arabunna
- Wirangu #2
- Adnyamathanha Overlap Proceedings
- Far West Coast
- Antakirinja
- First Peoples of the River Murray

Arabunna

- Consideration of preservation of evidence was adjourned till 15 March 2007.

Wirangu #2

- Consideration of preservation of evidence was adjourned till 15 March 2007.

Adnyamathanha Overlap Proceedings

- Party list issues were raised and it was ordered that all listings from the Indigenous Party group, except for the Kuyani Association, be removed and any moves to strike-out respondent parties must be lodged by 1 March 2007.
- Two preliminary statements were taken into evidence, with proceedings adjourned till 15 March 2007 for further information.
- The Tribunal mediation report is expected by 1 March 2007, for the hearing on 15 March 2007.

Far West Coast

- It was ordered that the Tribunal continue mediation and report back by 1 March 2007, including a proposed timetable for the tasks, milestones and dates in the course of the consent determination mediation. This will be heard on 15 March 2007.

Antakirinja

- It was ordered that the Tribunal continue mediation

and report back by 1 March 2007, including a proposed timetable for the tasks, milestones and dates in the course of the consent determination mediation. This will be heard on 15 March 2007.

First Peoples of the River Murray and Mallee Region

- A Memorandum of Acknowledgement (MoA) between the State and ALRM was filed with the court agreeing on extinguishment.
- In light of the MoA, memoranda outlining the interests of water licence holders and of the local government are to be considered.
- The Tribunal was ordered to continue mediation and report back by 1 March 2007, including a proposed timetable for the tasks, milestones and dates in the course of the consent determination mediation. This will be heard on 15 March 2007.