

Talking South Australia



West coast region

The following applications for a native title determination have been lodged in this region:

Barngarla

The Barngarla claim is registered, and has overlaps with the Kokatha, Nukunu, Adnyamathanha # 1, Adnyamathanha #2, Kuyani-Wilyaru and Arabunna claims.

That part of the Barngarla claim which overlaps the Kokatha claim has been referred to the Tribunal (Deputy President Chris Sumner and Member Bardy McFarlane) for mediation in the hope it can be resolved before the trial of the Kokatha claim, which has been listed for trial for the middle of 2007.

Further, that part of the Barngarla claim which overlaps the Adnyamathanha # 1 claim has also recently been referred to the Tribunal (Deputy President Chris Sumner) for mediation of that overlap. A schedule of meetings has been agreed which hopes to see those overlaps resolved by the end of this financial year.

Far West Coast

The Far West Coast claim (an amalgamation of the following former individual claims: Mirning, Yalata, Maralinga Tjarutja, Wirangu #1, Ted Roberts, [Kokatha]) is registered and has no overlaps. It has been with the National Native Title Tribunal for mediation for several years, including while the Statewide ILUA strategy was still in its conception. The key stakeholders agreed to make this claim a priority when the Federal Court began to indicate it would be listed for trial a few years ago.

Over the last couple of years, the Tribunal (Deputy President Chris Sumner) has been actively mediating this claim. The Tribunal has worked cooperatively with the parties to integrate the independent Statewide ILUA negotiations, which are being facilitated by Ian Dixon, a consultant to that process. Further, ILUKA Resources is also negotiating with the Far West Coast claim group about its interests in the claim area.

The Federal Court has indicated that it will consider listing this claim for trial in 2008 at the next callover on South Australian matters in September this year.

The Statewide ILUA strategy has led to the successful resolution of ILUA negotiations regarding the Ceduna Keys Marina project. That ILUA was lodged with the Tribunal for registration on 7 April, and is now being assessed by a delegate of the native title Registrar under the Native Title Act.

The Statewide ILUA strategy has also commenced negotiations for a local government ILUA and an Outback Areas

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South Australia's Flinders Ranges: the ranges are inside the boundaries for the two Adnyamathanha claims and the Barngarla claim.



Trust ILUA, which are now re-scheduled to be finalised and signed by 20 September. Then, two further ILUAs, one regarding national parks and another regarding fishing and aquaculture, are scheduled to be negotiated and finalised by 4 December.

Gawler Ranges

This claim is registered and has no overlaps. The Gawler Ranges claim has been with the Tribunal (Deputy President Chris Sumner) for third party mediation since overlaps were resolved at Spear Creek in 2004. A minerals exploration ILUA was lodged for registration on 25 January this year and notification of that ILUA closes on 29 June.

Pastoral ILUA and Outback Areas Trust ILUA negotiations with this claim group are both scheduled to be finalised and signed by 18 August. Their national parks ILUA is scheduled to be finalised and signed on 1 December.

Nauo-Barngarla

The Nauo-Barngarla claim is registered, with no overlaps. This claim is yet to be referred to the Tribunal for mediation, and so is still the responsibility of the Federal Court.

However, planning for a fishing ILUA scheduled to be negotiated with the Nauo-Barngarla and Barngarla has also commenced, with finalisation and a signing ceremony scheduled for 23 September. Derek Stamoulis of Ian Dixon's 'Partnership Solutions' is facilitating those negotiations.

Wirangu#2

The Wirangu #2 claim has been registered and has no overlaps. This claim is yet to be referred to the Tribunal for mediation, and so remains the responsibility of the Federal Court.

Southern Region

The following applications for a native title determination have been lodged in this region:

First Peoples of the River Murray and Mallee

This claim is registered and has no overlaps. The Federal Court recently referred this claim to the Tribunal (Deputy President Sumner) for mediation of the connection issue.

The court also indicated that it is considering listing this claim for trial in 2008, and will consider the issue further at the next callover in September this year. The

First Peoples of the River Murray and Mallee ILUA, which is currently in the planning phase, is scheduled to be finalised and signed by 8 December.

Kaurna

The Kaurna claim is registered and has no overlaps. The claim is yet to be referred to the Tribunal for mediation and remains the responsibility of the Federal Court. However, a local government ILUA is currently being negotiated with this claim group, facilitated by Ian Dixon. It is unclear when those ILUA negotiations are scheduled for finalisation.

Ngarrindjeri

This claim is registered and has no overlaps. The claim is yet to be referred to the Tribunal for mediation, and so remains the responsibility of the Federal Court.

[Narungga]

While the Narungga community has not lodged a native title application, they have registered an ILUA for the Port Vincent Marina on 18 July, 2001 and a local government ILUA for their traditional country on 6 October, 2005. The parties have almost finished negotiating the State's first fishing and aquaculture ILUA, facilitated by the Tribunal (Member Dan O'Dea).

[Ngadjuri]

Similarly, the Ngadjuri community has not lodged a native title application but has registered a pastoral ILUA on 20 February this year, and are negotiating a mineral exploration ILUA for their traditional country which is scheduled to be finalised and signed on 11 September this year.

Northern Region

The following applications for a native title determination have been lodged in this region:

Adnyamathanha #1 and #2

These two claims are both registered. Adnyamathanha #1 overlaps with Barngarla, Nukunu, Arabunna and Dieri claims. Adnyamathanha #2 overlaps with the Barngarla claim. The Tribunal was ordered by the Federal Court to mediate the overlaps with these claims at the callover in February this year. A timetable of meetings has been agreed with the parties hoping to resolve the overlap issues by the end of this financial year. The court has twice been invited by the claimants' solicitors to list these claims for trial, and the court will consider these requests again at the next callover in September.

The Adnyamathanha claimants have successfully negotiated an ILUA over the Vulkathanha (Gammon Ranges) National Park, which has been lodged with the Tribunal for registration and is currently in notification, closing on 29 June. Mineral exploration and pastoral ILUAs are now scheduled to commence with these claimants in July.

Antakirinja Matu-Yankunyjtjara

This claim is registered, but is yet to undergo a further registration test for recent amendments to the claim. It overlaps with Arabunna and also Kuyani-Wilyaru. The Tribunal (Member Bardy McFarlane) is mediating issues between the claimants, the State and the local government body regarding the Breakaways Reserve.

The parties are also using the opportunity to scope other local government issues that will form the basis of a brief to the Statewide ILUA Main Table which will then reconsider whether they wish to pursue an ILUA to resolve the issues so identified. Member McFarlane is also mediating the overlap between the Antakirinja Matu-Yankunyjtjara and the Arabunna claimants, within the limits of the claimants' resources.

Two mineral exploration ILUAs have also been registered--the first on 18 May 2004 and the second on 14 June last year.

Arabunna

This claim is registered and has overlaps with Antakirinja Matu-Yankunyjtjara, Barngarla, Adnyamathanha #1, Kokatha and Kuyani-Wilyaru claims. The claimants have applied to the court to excise the Arabunna overlap from the Kokatha trial. Their application will be heard on 30 June. The Tribunal (Member Bardy McFarlane) is mediating the overlap between this claim and the Antakirinja Matu-Yankunyjtjara claim. Deputy President Sumner is also mediating the overlap between this claim and the Adnyamathanha claim. A mineral exploration ILUA was registered on 13 October 2004 .

De Rose Hill

The High Court recently refused leave to appeal the Full Federal Court's determination that the applicants hold native title in relation to these three pastoral leases. It has since been suggested by the applicants' representative that the pastoralist reconsider his previous position, and negotiate with the claimants about their co-existing rights and interests.

The native title holders were to have established a

prescribed body corporate by the middle of this year, in order to administer their native title rights and interests.

Eringa #1, Eringa #2, Mt Dare Irrwanyerre and Wangkangurru/Yarluyandi claims

These overlapping claims are all registered, except the Mt Dare Irrwanyerre claim. These overlaps have been resolved by agreement. The Tribunal (Member Bardy McFarlane) is mediating issues in relation to consent determination negotiations between the Wangkangurru/Yarluyandi, Eringa # 1 and Eringa #2, and Mt Dare Irrwanyerre applicants and the State of SA , regarding Witjira National Park . The Tribunal is also mediating pastoral ILUA negotiations within the SA portion of the Wangkangurru/Yarluyandi claim, and the overlap with the Mithika claim in the south-western corner of Qld.

Kokatha claim

This claim is registered and has overlaps with the Barngarla, Kuyani-Wilyaru and Arabunna claims. The Tribunal (Member Bardy McFarlane) continues to mediate the overlaps, notwithstanding that this claim has been listed for trial next year. The Tribunal is also facilitating the negotiation of an ILUA regarding the expansion of the Roxby Downs uranium mine, within the mediation of these three claims, which is scheduled for finalisation by the end of August this year.

Kuyani-Wilyaru claim

The Kuyani-Wilyaru claimant group has filed a notice of discontinuance and the court will deal with the notice shortly.

Nukunu

This claim has been registered, and has overlaps with the Barngarla, Adnyamathanha # 1 and Kuyani-Wilyaru claims. That part of the Nukunu claim which overlaps Adnyamathanha #1 claim has recently been referred to the Tribunal (Deputy President Chris Sumner) for mediation of that overlap. A schedule of meetings has been agreed which hopes to see that overlap resolved by the end of this financial year.

Yandruwandha/Yawarrawarrka

This claim is registered and has an overlap with the Mithika claim, which has been resolved in principle. It is yet to be referred to the Tribunal for mediation, and so remains the responsibility of the Federal Court. However, this claim group has advised the court that if they can successfully resolve all of their issues by ILUA, then they will withdraw their claim. The group

is negotiating ILUAs in relation to pastoral, mineral exploration and petroleum, national parks and Outback Areas Trust issues. Their mineral exploration ILUA, facilitated by the Tribunal (Member Barty McFarlane), is scheduled to be finalised and signed by 25 September this year. Then Member McFarlane is scheduled to finalise and sign the national parks ILUA with this claim group on 10 November this year.

Yankunytjatjara/Antakirinja

This claim is registered and has no overlaps. The Tribunal (Member Barty McFarlane) referred the pastoral issue back to the court on the basis that agreement was unlikely to be reached between the parties, which resulted in the claim being listed for trial later this year. However, the Tribunal continues to mediate the negotiation of an Outback Areas Trust ILUA in relation to the interests of the Marla District Progress Association and the applicants. The court has given the parties until 23 June to complete a draft of the ILUA, and then a period of time thereafter to obtain final instructions.

While the claim remains listed for trial in August 2006, the Court is considering whether to vacate this trial date at the request of the parties, in view of the fact that consent determination negotiations are now underway between the parties. A pastoral ILUA was registered over the Todmorden pastoral lease on 29 March 2005.
