

Talking South Australia



Overview

The Tribunal held its regular regional mediation and assistance planning meeting with the key stakeholders on 9 August, in preparation for the next Federal Court call-over of all South Australian native title claims on 14 September. The Tribunal remarked on the positive impact in the last twelve months of the successful integration of the Federal Court program with the regionally agreed priorities and the SA ILUA Statewide Negotiations priorities (www.iluasa.com), and the continued focus on the progression of claims to a complete resolution.

As a result of this effort, we have seen the identification of a number of new areas for development within the SA ILUA Statewide Negotiations (eg. OAT, petroleum ILUA; right to negotiate replacement for claims to be withdrawn), as well as a significant increase in the number of ILUA negotiations underway in SA, which currently stands at 17 (see claim summary below for details).

The outcome of this integration is also visible in the expeditious settlement of the Yankunytjatjara/Antakirinja claim by consent determination, which was listed for trial this year. It is envisaged that there will be a further four consent determination negotiations underway during this financial year, including the Witjira National Park involving the Wangkangurru/Yarluyandi; Eringa #1 and Eringa #2; and Mt Dare Irrwanyere claims; as well as the Gawler Ranges claim.

Excellent progress is also being made in resolving the remaining overlaps between native title claimant groups, which means that those claims can proceed within the SA ILUA Statewide Negotiations.

The Federal Court has listed the Kokatha claim, and its overlaps with the Arabunna and Barngarla claims, for trial next year. It has also indicated that it will list one of three claims for trial in 2008, with another possible listing for the end of 2007. Those claims are the Adnyamathanha claims; the First Peoples of the River Murray and Mallee Region, and the Far West Coast claims.

Regional priorities

The agreed regional priority claims for SA mediation and assistance are:

- Yankunytjatjara/Antakirinja (because of consent determination)
- Kokatha overlaps (because of listing for trial, and Olympic Dam expansion)
- Wangkangurru/Yarluyandi; Eringa #1 and Eringa #2; Irrwanyere Mt Dare (because of consent determination prospects for Witjira National Park)

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



- Yandruwandha/Yawarrawarrka (because of intention to withdraw the claim once SA ILUA Statewide Negotiations suite of ILUAs successfully negotiated)
- Far West Coast (due to Federal Court interest in listing);
- Gawler Ranges (due to lack of overlaps)
- Adnyamathanha overlaps (due to request from claimants to list for hearing, and to enable claim group to access the SA ILUA Statewide Negotiations)
- First Peoples of the River Murray and Mallee Region (due to court interest in listing for trial)
- Antakirinja (due to resolution of overlaps).

Status of native title matters

Note: Information regarding SA ILUA Statewide Negotiations is based on its proposed schedule for 2006-2007 as at 18 August and is subject to change.

Adnyamathanha #1

This registered claim is in mediation to address the overlaps only. Subject to community meetings being held to consider the settlement terms, the overlaps with Arabunna and Dieri claimant groups have been resolved, and agreements-in-principle have been reached with the Barngarla and Nukunu claimant groups.

The Federal Court is considering listing this claim for trial, at the claimant group's request, in 2008.

An ILUA over the Gammon Ranges/Vulkathanha National Park has been registered. Pastoral ILUA negotiations will be facilitated by Ian Dixon, Independent Chair of the SA ILUA Statewide Negotiations, and are scheduled to commence before the end of this calendar year and finalised next financial year. Mineral exploration template ILUA negotiations are scheduled to commence in the third quarter of this financial year, and be concluded next financial year. An Outback Areas Trust ILUA has been identified for 2007, but not yet scheduled.

Adnyamathanha #2

This registered claim is in mediation to address the overlaps only. An agreement-in-principle has been reached with the Barngarla claim group, subject to community endorsement. A SA ILUA Statewide Negotiations parks ILUA has been identified for 2007, but not yet scheduled.

Antakirinja Matu-Yankunytjatjara

This registered claim is in third party mediation. Subject to community meetings to consider the settlement terms, agreement has been reached regarding the Arabunna overlap. A SA ILUA Statewide Negotiations strategy mineral exploration ILUA, facilitated by Tribunal member Bardy McFarlane, has been registered.

Within the mediation, a Breakaways ILUA is now being facilitated by Mr McFarlane, which is scheduled to be registered by the end of this financial year. A local government ILUA, also to be facilitated by Mr McFarlane, has been scheduled to commence in the second quarter of this financial year, for finalisation next financial year.

Arabunna

This registered claim is in mediation in relation to the overlaps with Kokatha and Adnyamathanha claims only. Subject to community meetings to consider the settlement terms, agreement has been reached regarding the Adnyamathanha and Antakirinja overlaps. Funding is being sought for a meeting with the Kokatha later this year.

A mineral exploration template ILUA, under the SA ILUA Statewide Negotiations has been registered. Further, pastoral ILUAs have been identified for 2006, but not yet scheduled. Outback Areas Trust ILUAs and petroleum ILUAs have been identified for 2007, but not yet scheduled.

Barngarla

This registered claim is in mediation regarding the overlaps with the Kokatha and Adnyamathanha claims only. Subject to community meetings to consider the settlement terms, agreement has been reached regarding the Adnyamathanha overlap. A memorandum of understanding has been entered into to resolve the overlap with Kokatha.

No SA ILUA Statewide Negotiations have been identified for this claim for 2006-2007.

Tribunal Member Dan O'Dea is facilitating an ILUA regarding the proposed Lucky Bay to Wallaroo Ferry Service, which is expected to be registered by the end of this financial year.

De Rose Hill

A prescribed body corporate is being established to hold the native title rights and interests on behalf of the native title holders pursuant to the determination of the Full Court of the Federal Court.

Dieri

This registered claim is in mediation for the overlap with the Adnyamathanha claim only. Subject to community meetings to consider the settlement terms, agreement has been reached regarding the overlap with the Adnyamathanha.

The SA ILUA Statewide Negotiations has a petroleum ILUA scheduled to commence in the first quarter of this financial year, for registration by the end of this financial year. It also has a pastoral ILUA identified for 2007, but not yet scheduled.

Eringa #1

This registered claim is in third party mediation. A consent determination is to be negotiated in relation to the Witjira National Park, and the Tribunal produced an enhanced research report to assist in the production of a connection report. The parties wish to progress the pastoral, parks and mining issues via the SA ILUA Statewide Negotiations, and they have been identified for 2007, but not yet scheduled.

Eringa #2

This registered claim is in third party mediation. A consent determination is to be negotiated in relation to the Witjira National Park, and the Tribunal produced an enhanced research report to assist in the production of a connection report. The parties wish to progress the pastoral, parks and mining issues via the SA ILUA Statewide Negotiations, and they have been identified for 2007, but not yet scheduled.

Far West Coast

This registered claim is in third party mediation. The parties have elected to pursue the local government, pastoral, fishing and aquaculture, mineral exploration, parks and pastoral issues via the SA ILUA Statewide Negotiations.

An ILUA regarding the Ceduna Keys development, facilitated by Ian Dixon, Independent Chair of the negotiations, has been lodged with the Tribunal for registration. A local government ILUA is now being facilitated by Ian Dixon, and is expected to be finalised next financial year. ILUAs regarding mineral exploration, fishing and aquaculture, parks and pastoral issues have also been scheduled to commence this financial year for finalisation next financial year.

Also, ILUKA Resources is negotiating an ILUA with the claim group regarding the mining of mineral sands. The Federal Court continues to consider this claim for a

listing for trial in 2008.

First Peoples of the River Murray and Mallee Region

This registered claim is in third party mediation. The Federal Court has specifically asked the Tribunal to look at the issue of connection. The claimant group is to decide by the end of this calendar year whether it wants to pursue a consent determination or simply withdraw the claim upon successful completion of the SA ILUA Statewide Negotiations suite of ILUAs scheduled for this claim.

A River Murray ILUA is being facilitated by Ian Dixon, and a local government ILUA has been scheduled to commence in the second quarter of this financial year, for finalisation by the end of this financial year. A pastoral ILUA, and a fishing and aquaculture ILUA are also scheduled to commence in the third quarter of this financial year, for finalisation in the next financial year. A mineral exploration template ILUA is scheduled to commence in the fourth quarter of this financial year, for finalisation in the next financial year.

The court is considering listing this claim for hearing in 2008.

Gawler Ranges

This registered claim is in third party mediation. The parties have expressed a preference to progress the mineral exploration, pastoral, parks and Outback Areas Trust issues via the SA ILUA Statewide Negotiations being facilitated by Ian Dixon. The mineral exploration template ILUA has been registered. The pastoral ILUA is scheduled to be completed and registered this financial year. Parks negotiations are scheduled to commence in the first quarter of this financial year, and be lodged for registration by the end of this financial year. The Outback Areas Trust ILUA is scheduled to commence in the second quarter of this financial year, and lodged for registration by the end of this financial year.

Irrwanyere Mt Dare

This unregistered claim is in third party mediation. A consent determination is to be negotiated in relation to the Witjira National Park, and the Tribunal produced an enhanced research report to assist in the production of a connection report. There are no SA ILUA Statewide Negotiations programmed for this claim in 2006-2007.

Kurna

This registered claim has not been referred to the

Tribunal for mediation due to the workload created by the existing Federal Court program, and the lack of capacity to mediate more claims at present.

A local government ILUA has been scheduled to commence negotiations in the first quarter of this financial year, for finalisation next financial year.

Kokatha

This registered claim, and its overlaps with the Arabunna and Barngarla claims, is listed for trial next year. The overlaps are in mediation, and memorandums of understanding have been signed to resolve the overlaps.

Kuyani-Wilyaru

This claim was withdrawn before the registration process was completed this year. We understand that the claimant group intends to lodge a fresh application with the Federal Court later this year. If the area of the claim is the same as the previous claims, then it will be joined in the Tribunal mediation, and also the Kokatha overlap proceedings listed for trial next year.

Narungga

This group has elected not to lodge a native title application in the Federal Court. It has pursued two SA ILUA Statewide Negotiations to date, which were facilitated by Tribunal member Dan O'Dea. The local government ILUA is registered, and the fishing and aquaculture ILUA is scheduled to be finalised in the first quarter of this financial year, and registered by the end of the third quarter this financial year. A parks ILUA has also been identified for 2007, but not yet scheduled.

Nauo-Barngarla

This registered claim has not been referred to the Tribunal for mediation due to the workload created by the existing Federal Court program, and the lack of capacity to mediate more claims at present.

Derek Stamoulis is facilitating a SA ILUA Statewide Negotiations fishing and aquaculture ILUA, which is scheduled to be lodged for registration in the third quarter of this financial year, and registered by the end of the financial year.

Ngadjuri

This group has elected not to lodge a native title application in the Federal Court to date. A pastoral ILUA, facilitated by Ian Dixon, is registered. The Statewide ILUA strategy has also scheduled a mineral exploration template ILUA to commence this financial

year, but it is not to proceed at this stage. A local government ILUA has also been identified for 2007, but has not yet been scheduled.

Ngarrindjeri

This registered claim has not been referred to the Tribunal for mediation due to the workload created by the existing Federal Court program, and the lack of capacity to mediate more claims at present.

The SA ILUA Statewide Negotiations has identified a parks ILUA and a River Murray ILUA for 2007, but have not yet been scheduled.

Nukunu

This registered claim is in mediation to resolve the overlap with the Adnyamathanha claim only. Subject to community meetings to consider the settlement terms, agreement has been reached regarding this overlap.

No activity has been identified for this claim in the Statewide ILUA schedule for 2006-2007.

South-East

No claim has been lodged in this area, however a SA ILUA Statewide Negotiations local government ILUA has been scheduled to commence in the second quarter of this financial year, for finalisation next financial year.

Wangkangurru/Yarluyandi

This registered claim is in third party mediation. A meeting is scheduled for later this year regarding the Mithaka overlap. The common interests of the Wangkamana/Wangkamadla over the Queensland Simpson Desert National Park is being mediated. An enhanced research report is being prepared by the Tribunal regarding this National Park. A consent determination is to be negotiated in relation to the Witjira National Park, and the Tribunal produced an enhanced research report to assist in the production of a connection report. Within the mediation, a pastoral ILUA is being facilitated by Tribunal member Bardy McFarlane. The parties wish to progress the parks and mining issues in mediation via the SA ILUA Statewide Negotiations and they have been identified for 2007, but not yet scheduled. Further, a petroleum ILUA has been scheduled to commence in the first quarter of this financial year for lodgement and registration by the end of his financial year.

Wirangu #2

This registered claim has not been referred to the Tribunal for mediation due to the workload created

by the existing Federal Court program, and the lack of capacity to mediate more claims at present.

Negotiations for a fishing and aquaculture ILUA are due to commence in the third quarter of this financial year and a pastoral ILUA has been identified for 2007, but not yet scheduled.

Yandruwandha/Yawarrawarrka

This registered claim has not been referred to the Tribunal for mediation due to the workload created by the existing Federal Court program, and the lack of capacity to mediate more claims at present. The NNTT worked with the parties to resolve the Mithika overlap.

Tribunal member Bardy McFarlane is facilitating pastoral, parks, mineral exploration and Outback Areas Trust ILUA negotiations scheduled to be finalised and registered by the end of this financial year (or next financial year for the mineral exploration ILUA). A petroleum ILUA has also been scheduled to commence in the first quarter of this financial year, for registration by the end of this financial year.

The claimant group has indicated that it intends to withdraw its claim upon the successful completion of all ILUA negotiations.

Yankunytjatjara/Antakirinja

This registered claim was before the Federal Court on 28 August for a consent determination hearing. Pastoral ILUAs were also signed and are expected to be lodged for registration by the end of this financial year. Tribunal member Bardy McFarlane continues to facilitate the finalisation of the benefit package for the in-principle-agreement reached regarding the Outback Areas Trust ILUA, which is scheduled to be finalised by the end of this calendar year, and lodged for registration by the end of this financial year. Negotiations in relation to the Marla township are continuing.
