

Gunai/Kurnai and Kurnai native title claim

On 11 March 2008 four months of hearings in the Federal Court came to an end with the closing of submissions for early and preservation evidence* for the Gunai/Kurnai and Kurnai native title claims.

The court heard from eight witnesses “on country”, at Gippsland, in and around Lake Tyers, Cape Conran, Stratford, Eagle Point, Drouin and Melbourne. Five of the witnesses gave evidence for the Gunai/Kurnai and three for the Kurnai claimants.

Justice Tony North was informed that as a result of evidence given in these hearings informal discussions have started that could resolve the intra-indigenous dispute. Based on this the court, with the consent of the State of Victoria, ordered that mediation for resolving the composition of the group, currently being undertaken by the Tribunal, should stop.

To monitor the progress of discussions the claims have been referred to a Case Management Conference before a Registrar of the court on 27 June 2008.

The two claims almost entirely overlap and cover about 39,100sq kms of land, water and sea around Warragul, Morwell, Sale, Bairnsdale, Orbost and east to cover part of Croajingalong National Park.

**Early and preservation evidence hearings are generally ordered by the court when requested by a party or where negotiations have stalled. Such hearings provide an opportunity for applicants to demonstrate the strength of their case and also provide a chance for respondents to test the evidence.*

Federal Court callover of Victorian native title claims

The status of native title claims across Victoria was heard by the Federal Court on 17 March 2008. The first claims before Justice North were the **North West matters**, including four Dja Dja Wurrung claims, Yupagalk, Robinvale, Wamba Wamba, Barapa Barapa and Wadi Wadi.

The court was told about “a significant development” in Victoria that may impact on the settlement timetable for the North West claims. A steering committee made up of representatives of the Victorian Traditional Owner Land Justice Group and state representatives has been created to develop a Victorian settlement framework for native title claims. The committee will be chaired by Professor Mick Dodson.

Concern that this would cause a delay in settlement of the North West claims and a possible loss of momentum in negotiations, led the court to order (with the parties’ consent) that a Case Management Conference be held between the state and the applicants’ representative to consider how the new framework can be accommodated in the North

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West settlement timetable. The matter was adjourned to 27 June 2008.

The state's media release announcing the alternative framework negotiations: Media Release: [MICK DODSON TO HEAD GOVERNMENT'S ALTERNATIVE FRAMEWORK FOR NEGOTIATING NATIVE TITLE](#)

The **Latji Latji claim** was also adjourned to 27 June 2008, after the court was advised that research to help the resolution of an inter-indigenous dispute with the Robinvale claimants is progressing as agreed between the parties. The related **Latji Latji Wergaia claim** was also adjourned.

The full text of the court's orders can be downloaded via the court's e-search facility on the Federal Court's website at www.fedcourt.gov.au. For Federal Court reference numbers please see the claims table below.

Application of the registration test

Amendments to the *Native Title Act* made in 2007 require the Tribunal's Registrar to re-apply the registration test to those claims where the test has previously been applied and the test conditions were not met. The Registrar is to use his best endeavours to test such claims by 15 April 2008, one year from the commencement of the *Native Title Amendment Act 2007*.

For Victorian applications the registration test has been re-applied for the:

- Gunai/Kurnai Boonerwung VID6005/98 – conditions not met on 22/10/2007
- Kurnai VID398/2005 – conditions not met on 10/08/2007
- Dja Dja Wurrung VID6043/1998 – conditions not met on 21/12/2007 [note: the claim has been discontinued on 14/03/2008]

Registration test decisions are yet to be made for:

- Bunurong VID667/2006 – test date yet to be determined
- Gunditjmarra # 2 VID655/2006 (Part B) – test date yet to be determined.

Notification of claims

Following the application of the registration test, preparations are underway for the notification of the Kurnai and Gunai/Kurnai Boonerwung claims with notification dates anticipated to be scheduled for May 2008.

Victorian native title claims - Table

Claim	Filed/combined date	Registration status	Notification status	Mediation status
Gippsland claims				
VID6007/98 Gunai/Kurnai	04/04/97	Passed 01/04/99	Notification ended 09/10/02	Referred to NNTT 07/12/04 on question of group composition Mediation ceased on 11/03/2008
VID398/2005 Kurnai	29/04/05	Failed 10/08/07	Not yet notified	Not yet referred for mediation
North West cluster				
VID6003/98 Robinvale	27/03/96	Passed 03/06/99	Notification ended 14/06/00	Referred to NNTT 18/09/01
VID6004/00 Yupagalk	19/07/00	Passed 15/08/00	Notification ended 28/08/02	Referred to NNTT 26/09/03
VID6005/00 Wamba Wamba, Barapa Barapa & Wadi Wadi	19/07/00	Passed 15/08/00	Notification ended 24/10/01	Referred to NNTT 26/09/03

VID6001/00 Dja Dja Wurrung	19/07/00	Passed 15/08/00	Notification ended 11/03/02	Referred to NNTT 26/09/03
VID6001/99 Dja Dja Wurrung	21/07/99	Passed 19/08/99	Notification ended 11/03/02	Referred to NNTT 26/09/03
VID6003/99 Dja Dja Wurrung	27/04/99	Passed 26/05/99	Notification ended 11/03/02	Referred to NNTT 26/09/03
VID6006/98 Dja Dja Wurrung	02/08/99	Passed 16/09/99	Notification ended 17/12/02	Referred to NNTT 16/03/05
Gunditjmara claims				
VID6004/98 Gunditjmara	09/07/99	Failed 08/11/06 New reg test date yet to be fixed	Notification ended 27/05/01	Referred to NNTT 09/08/02 In mediation with Federal Court
VID655/06 Gunditjmara #2	09/06/06	Failed 14/04/2008 New reg test date yet to be fixed	Notification ended 19/10/06	Not referred to NNTT In mediation with Federal Court
Latji Latji claims				
VID6003/00 Latji Latji	19/07/00	Passed 18/08/00	Notification ended 30/01/02	Referred to NNTT 01/07/03
VID6002/00 Latji Latji Wergaia	19/07/00	Passed 18/08/00	Notification ended 30/01/02	Referred to NNTT 01/07/03 Mediation ceased 19/03/07
Wilson's Promontory and Port Phillip Bay claims				
VID6005/98 Gunai/Kurnai/ Boonerwung	17/03/97	Failed 22/10/07	Not yet notified No date set	Not yet referred for mediation
VID667/06 Bunurong	15/06/06	Failed 10/06/2008 New reg test date yet to be fixed	Not yet notified No date set	Not yet referred for mediation

Who is who in the Melbourne Registry

Name	Position	Claims	Contact number
Ian Campbell-Fraser	State Manager	Passed 01/04/99	(03) 9920 3002
Nadja Mack	Senior Case Manager	Gunditjmara Gunai/Kurnai Gunai/Kurnai/Boonerwung Kurnai Bunurong Latji Latji Robinvale	(03) 9920 3018
Lisa Jowett	Case Manager	Dja Dja Wurrung Yupagalk Wamba Wamba, Barapa Barapa & Wadi Wadi Latji Latji Wergaia <i>Primary contact for all future act matters</i>	(03) 9920 3012

Chris Loorham	Case Manager	<i>Not currently working on Victorian matters</i>	(03) 9920 3006
Tamara Blakiston	Senior Administration Officer		(03) 9920 3011
Maryanne Harvey	Administrative Officer	<i>Works primarily with Lisa Jowett</i>	(03) 9920 3016
Victor Lovett	Administrative Officer	<i>Works primarily with Nadja Mack</i>	(03) 9920 3007
Matt Harris	Geospatial Specialist		(03) 9920 3027
Erin MacLatchy	ILUA and Registration Delegate		(03) 9920 3004
Anoushka Lenffer	Portfolio Support Officer		(03) 9920 3025

Tribunal members and their Victorian claims

Member	Claims	Assistant	Contact number
Gaye Sculthorpe	Gunditjmara Gunai/Kurnai Gunai/Kurnai/Boonerwung Kurnai Latji Latji Latji Latji/ Wergaia Robinvale Wamba Wamba, Barapa Barapa & Wadi Wadi Yupagalk Dja Dja Wurrung	Catherine Lake	(03) 9920 3019
Neville MacPherson	<i>Not currently working on Victorian matters</i>	Catherine Lake	03) 9920 3019