

Talking Victoria



New native title applications

Two new native title claims were lodged in the Federal Court's Victoria Registry in June. On 9 June, the Gunditjmara people brought a claim over those parcels of unclaimed crown land within the external boundary of the first Gunditjmara claim in south-west Victoria. The new application is referred to as VC06/1 by the National Native Title Tribunal and VID655/2006 by the Federal Court. The two claims are the subject of negotiations for a consent determination (see summary of directions hearing on 14 June below for an update on the negotiations).

On 15 June the Bunurong people lodged an application covering part of the waters of Port Phillip Bay to the high water mark and the Point Nepean area. The claim is referred to by the Tribunal as VC06/2 and VID657/2006 by the Federal Court.

The Tribunal will now apply the registration test to both claims before they will be notified publicly. For more information about the registration test, see the Tribunal's fact sheet.

Directions hearing for Victorian matters

A general call-over of all Victorian matters was heard by Justice North on 14 June. The first matter to be covered was the **Gunditjmara** claim. The Victorian Government and claimants informed the court, through their representatives, that they have reached an in-principle agreement to settle the claim apart from one issue. A timetable has been presented, which would see the claim determined by mid October. The matter has been adjourned to 10 July.

The **North West** matters (the five Dja Dja Wurrung claims, Yupagalk, Robinvale, Wamba Wamba, Barapa Barapa and Wadi Wadi) were adjourned to 6 September. The court has been presented with an updated timetable which indicates a closure date of July 2007. Native Title Services Victoria (NTSV), acting for the claimants, reported that a significant milestone was reached following a large number of meetings with the claim groups over the Christmas period and the first half of this year. In May, each of the groups provided a document setting out their aspirations to the State. The State committed to providing their response to that document in August after which it is anticipated that negotiations between the parties will start.

NTSV told the court that orders regarding the appointment of an expert were complied with in relation to the **Gunai/Kurnai** and **Kurnai** matters. Preliminary indications following the receipt of the expert's report by the parties were "that at least some of the issues that were thought to be in dispute will be resolved in that process

In this issue:

New native title applications

Directions hearing for Victorian matters

Native title agreements fast-track exploration

Traditional owners and golfers benefit from new agreement

Native title and the Indigenous Land Corporation (ILC)

June forum – cancelled

July forum

Victorian case manager heads for Sydney 's bright lights



of mediation.” The matter has been adjourned to 6 September while mediation on group composition by the Tribunal continues.

The **Gunai/Kurnai Boonerwung** claim has been referred to a case management conference before the court’s Registrar on 7 July where the claimants will further address the use of a working party to progress their joint claim. The matter was adjourned to 6 September.

In the two **Taungurung** matters the court has been told by the claimants’ representative that their claims will be withdrawn following the finalisation of an exploration agreement. The matter was adjourned to 6 September.

The **Latji Latji Wergaia** claim, last on Justice North’s list, was also adjourned to 6 September to allow the parties to continue discussions in mediation about delineating boundaries between them with the assistance of the Tribunal.

Copies of the court’s orders in native title matters can be downloaded from the Federal Court website using the Esearch facility: [Federal Court of Australia eCourt](#).

Native title agreements fast-track exploration

Explorers and Indigenous groups now have a faster, simpler process for reaching native title agreements that clear the way for exploration in Victoria. Two template indigenous land use agreements (ILUAs) have been established by the Minerals Council of Australia (MCA) and native title claimant groups. The finalisation of these agreements was celebrated in Bendigo on 24 June.

For more details see the Tribunal’s media statement. For further information on ILUAs see the Tribunal’s fact sheet.



Traditional owners celebrate the two template mining and exploration agreements at a ceremony at Bendigo.

Traditional owners and golfers benefit from new agreement

Native title claimants and resort owners in Creswick have agreed on plans for a \$50 million international hotel and golf course development that promotes Indigenous culture to tourists and golfers worldwide.

For more information see the Tribunal’s media statement.



Parties gather for a group photograph on the golfing green at Creswick.

Native title and the Indigenous Land Corporation (ILC)

Principal legal officer with the Indigenous Land Corporation, Paul Hayes, believes native title has not produced the range of benefits that was initially expected. This was his conclusion after working for 12 years in Indigenous land rights and native title, as legal officer for the Northern Land Council in Darwin, principal legal officer for the Torres Strait Regional Authority on Thursday Island, the Cape York Land Council in Cairns and New South Wales Native Title Services in Sydney.

Speaking at the latest Victoria/Tasmania Registry native title forum in May, Paul said it was important to inform native title parties of other options, such as the programs offered by the ILC. He provided the forum with an understanding of how the ILC can work alongside native title processes.

The ILC is an independent Commonwealth statutory body funded by the Indigenous Land Fund. The underlying policy behind the establishment of the ILC was to assist people who may not procure significant benefits under the native title process. However, the ILC’s enabling legislation (the *Aboriginal and Torres Strait Islander Act 2005*) is silent on dispossession and native title, and Paul said there was no prohibition against

native title holders or claimants making successful applications with the corporation.

In his two-hour talk Paul discussed the work of the corporation and addressed common misconceptions.

His major points were:

- the two primary functions of ILC programs, land acquisition and land management
- working with native title
- prescribed bodies corporate and the ILC.

Land acquisitions may be made for cultural, social, economic or environmental purposes. Properties are generally bought and owned by the ILC for up to three years, but leased back during this period to the proposed title-holding body. Applications for land management assistance can be made by groups in relation to ILC-purchase property or land attained outside of the ILC process.

The ILC's national and regional Indigenous Land Strategies, guidelines and application forms can be accessed from the [ILC website](#).

June forum - cancelled

Please note that due to illness our native title forum with Chris Marshall, CEO Native Title Services Victoria (NTSV), scheduled for 28 June had to be cancelled. The forum will be re-scheduled to a date in September.

July forum

Former Tribunal member Douglas Williamson has been invited to share his reflections on mediating native title. "With hindsight - reflections on past, present and future by a former Tribunal member" is scheduled for 26 July 2006.

The forums are held from 4 to 6 pm in the Tribunal's conference room at Level 8, 310 King Street, Melbourne . If you would like to attend or find out about future forums organised by the Tribunal's Victoria/Tasmania office please ring Senior Case Manager Nadja Mack on (03) 9920 3018 or 1800 640 501 or email: nadjam@nntt.gov.au.

Victorian case manager heads for Sydney's bright lights

Case manager Hamish MacLeod has left the Victoria/Tasmania Registry for a 12 month temporary transfer to the native title research and policy unit of the Human Rights & Equal Opportunity Commission (HREOC) in Sydney.

Hamish has worked on claims in the north-west region of Victoria, particularly Robinvale, Latji Latji and Latji Latji Wergaia. The claims will be managed by Chris Loorham during his absence.