



Gunditjmara consent determination

Australia is set to register its 100 th native title determination following the formal recognition of the Gunditjmara People's native title rights and interests in Victoria's western district on 30 March 2007.

National Native Title Tribunal President Graeme Neate said the consent determination by Justice Tony North again highlighted the importance of negotiating outcomes and not getting bogged down in expensive and time consuming litigation.

"The parties have shown that native title can deliver positive results to all involved when people get together to talk the issues through and move forward through agreements," he said.

Mr Neate said 99 determinations were currently registered, two-thirds of which recognised that native title exists. Most of those had been recognised with the consent of the parties.

The determination recognises the Gunditjmara People's non-exclusive native title rights and interests over 140 000 ha of vacant Crown land, national parks, reserves, rivers, creeks and sea north-west of Warrnambool.

The court decision formalises the in-principle agreement between the Victorian Government and the Gunditjmara People and finalises the majority of the Gunditjmara People's two native title claims.

Tribunal Member Gaye Sculthorpe said: "This is a great result for the Gunditjmara People who were able to provide the necessary evidence to support their native title claims in a state where native title has historically been difficult to prove."

"It's also a good outcome for the other parties as their rights and interests have been protected under the agreement."

"As native title holders the Gunditjmara People now join the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk peoples who were the first in Victoria to have their native title rights recognised by consent, in December 2005."

Callover of Victorian Native Title claims

North West matters

The first claims heard by Justice North on 19 March 2007 at this general callover of Victorian Native Title matters

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were the North West matters (comprising of five **Dja Dja Wurrung claims, Yupagalk, Robinvale, Wamba Wamba, Barapa Barapa and Wadi Wadi**). The Court was advised by the claimants' representative that the claimants and the State continue to work towards the agreed timetable provided to the court at the previous Directions Hearing in December 2006.

Outlining the proposed next steps in the process, the representative noted that negotiations between the State and the claimants are to take place in May to October 2007. The matters were adjourned to 10.15 am on 15 June 2007.

Latji Latji claim

The Latji Latji claim was adjourned to 15 June 2007 with the court noting that an application for joinder to the claim brought by the Robinvale claimant group (VID 6003/98, VC96/1) in September 2006 would be heard on that day, should Tribunal mediation between the Latji Latji claimants and the Robinvale claimants not substantially progress the resolution of their issues.

Latji Latji Wergaia claim

Tribunal mediation in the Latji Latji Wergaia claim was ordered to cease, as recommended by the Tribunal and agreed to by the parties. The court ordered a case management conference before the court's Registrar by 31 May 2007 to explore with the parties the way forward in this matter. The Registrar is to report the outcome of the conference to the court by 7 June 2007. The matter has been listed for further hearing on 15 June 2007.

Gunai/Kurnai claim

In the Gunai/Kurnai claim the court ordered a case management conference to consider the taking of early and/or preservation evidence in the second half of 2007, as applied for by the Gunai/Kurnai People's representative. It was explained by the representative that the evidence involved would be from up to six witnesses who are all senior members of the community, some with health considerations that make it desirable to have their evidence preserved. A further purpose of the evidence would be to provide some impetus to negotiations with the State by clarifying who the right people for country are. It was suggested by counsel that the hearing time would take approximately one to two weeks.

The court also ordered that the case management conference should provide an opportunity for the Gunai/Kurnai and Kurnai to further discuss the findings of two anthropological reports about group composition for "the proper people for the Gippsland region." This part of the case management conference will only include the two Indigenous parties, whilst the preservation aspect includes the State and other parties to the Gunai/Kurnai claim. The matter was adjourned to 15 June 2007.

Kurnai claim

The Kurnai claim was adjourned to 15 June 2007 along with the above application.

Gunai/Kurnai Boonerwung claim

The court was advised that the claimants in the Gunai/Kurnai Boonerwung claim have reached a Memorandum of Understanding (MoU). Under the agreement the three groups comprising the claimant group will formulate a working party that will deal with a number of issues in relation to the application including the withdrawal of a small overlap with the Gunai/Kurnai claim. The matter was adjourned to 15 June 2007.

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.

Who is who in the Melbourne Registry

Tribunal employees

Name	Position	Claims	Contact number
Ian Campbell-Fraser	State Manager		(03) 9920 3002
Nadja Mack	Senior Case Manager	Gunditjmara Gunai/Kurnai Gunai/Kurnai/Boonerwung Kurnai Bunurong Latji Latji	(03) 9920 3018
Chris Loorham	Case Manager	Dja Dja Wurrung Yupagalk Wamba Wamba, Barapa Barapa & Wadi Wadi Latji Latji Wergaia Robinvale	(03) 9920 3006
Lisa Jowett	Case Manager	<i>Primary contact for future act matters</i>	(03) 9920 3012
Erin MacLatchy	Senior Administration Officer	<i>Primary contact for ILUA matters</i>	(03) 9920 3004
Victor Lovett	Administrative Officer	<i>Works primarily with Nadja Mack</i>	(03) 9920 3007
Danika Margetic	Administrative Officer	<i>Works primarily with Chris Loorham</i>	(03) 9920 3016

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	Second Member for all Victorian matters	Catherine Lake	03) 9920 3019