



Gunditjmara directions hearing

A directions hearing was held on 4 September before Justice North where the Commonwealth (a respondent party) was required to report to the court whether it is satisfied that the claimants have established connection, as concluded by the State of Victoria.

The Commonwealth advised that it agrees in-principle to “the recognition of native title rights of the kind proposed in the consent determination that has been the subject of discussions between the parties”.

Native Title Services Victoria (NTSV), representing the claimants, welcomed the above and advised that the mediation with Framlingham Trust, a respondent party to the claim which raised a particular issue for the claimants to consider, is proceeding usefully with further mediation meetings scheduled for September.

The State of Victoria advised that after detailed discussions between the State and NTSV they are of the view that the proceedings should not be split (as raised before the court in August). They now aim for a consent determination date of both Gunditjmara matters in mid-December after the State elections.

Justice North noted that the history of the matter is such that caution is required until there is agreement actually reached and therefore it might be premature to look at a date for a consent determination. On that basis he ‘pencilled in’ 19 December 2006, with a directions hearing scheduled for 5 October at which parties are to confirm whether they wish to fix in place 19 December 2006 as the date for the consent determination of both Gunditjmara claims.

Federal Court callover of all Victorian matters

North West matters

The five Dja Dja Wurrung claims — Yupagalk, Robinvale, Wamba Wamba, Barapa Barapa and Wadi Wadi — the Court has been presented with an updated timetable which indicates a closure date for the cluster of claims of September 2007. The matter was adjourned to 22 December as requested by the claimants and the State, to allow further negotiations between them to occur.

Gunai/Kurnai and Kurnai

The court was informed by Native Title Services Victoria (NTSV) in the Gunai/Kurnai and Kurnai matters that the appointment of a court-appointed expert (as recommended by the Tribunal) has proven to be a very productive process and has greatly assisted the mediation. The expert has now been engaged by NTSV, with the agreement of

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the Gunai/Kurnai and Kurnai, to undertake further research in the matter (to be completed by January 2007), with a view to settle the intra-indigenous dispute. The matter was adjourned to 19 March 2007 .

Gunai/Kurnai Boonerwung

The Gunai/Kurnai Boonerwung claim has been adjourned to 22 December to allow the claimants to continue their discussions on a Memorandum of Understanding to progress the matter.

Taungurung

One of the two Taungurung matters (VC99/10 – VID6006/1999) was discontinued by the claimants on 5 September with the court being informed at the directions hearing by the claimants’ representative that the second claim (VC99/11 – VID6021/98) will be withdrawn following the finalisation of an exploration agreement. The matter was adjourned to 22 December.

Latji Latji Wergaia

The Latji Latji Wergaia claim was also adjourned to 22 December to allow the parties to continue mediated discussions about delineating boundaries between them with the assistance of the Tribunal’s research unit.

Latji Latji

Also adjourned to 22 December was the Latji Latji claim , the last matter on Justice North’s list. Pro bono council has been appointed in this matter under Order 80 of the Federal Court Rules to provide the claimants with advice on a proposed indigenous land use agreement (ILUA) that aims to settle the claim. The Robinvale Community application for joinder at the hearing was adjourned to 22 December.

Member MacPherson reappointed

Commonwealth Attorney-General Philip Ruddock has reappointed Melbourne-based Tribunal Member Neville MacPherson.

Neville’s full-time term expired on 1 September and he will continue for a further five years in a part-time capacity.



Melbourne-based Tribunal
Member Neville MacPherson

Native title forums

Each year the Victoria/Tasmania Registry hosts a series of forums, where speakers share their views and experiences of native title. Clients and stakeholders of the Registry are invited to attend.

July: Professor Douglas Williamson

With Hindsight: Reflections on the past, present and future of native title

At the July native title forum, former Tribunal Member Doug Williamson reflected on his time as mediator with the National Native Title Tribunal.

August: Chris Marshall

Land Rights versus Native Title – a personal perspective

Native Title Services Victoria Chief Executive Officer, Chris Marshall shared his opinion that although statutory land rights are a clear winner, native title allows people to rediscover a sense of belonging.

September: Ron Merkel QC

Native Title reforms - a way out of the gridlock?

In his last judgment before retiring from the Federal Court bench in April 2006, the [Rubibi decision](#) , Ron Merkel QC described native title in Australia as being “in a state of gridlock” and called for “a better, more efficient, more effective and fairer way of resolving native title disputes”.

Ron shared his thoughts on the Government’s recently announced reforms to improve the resolution of native title claims.

Upcoming forums

Christine Halls on Noongar decision, 18 October 2006 (former PLO at SWALSC)

Dr Lisa Strelein on her book *Compromised Jurisprudence*, 25 October 2006 (Manager and Research Fellow of the Native Title Research Unit, AIATSIS)

Fred Chaney on *Is reconciliation part of a native title outcome? Is native title part of reconciliation?*, 29 November 2006 (Tribunal Deputy President)

Forum notices will be sent out closer to the above dates to members of our forum emailing list. If you want to be added to the mailing list, please contact senior case manager Nadja Mack on 03 9920 3018 or email nadjam@nntt.gov.au.
