

# TALKING NATIVE TITLE

## in Victoria and Tasmania

NEWS FROM THE MELBOURNE REGISTRY

### Discussion forums

The Melbourne registry's bi-monthly afternoon forums are proving popular with those involved in native title in Victoria. As well as being educational, they provide an opportunity for people to meet and share ideas in an informal setting.

Recent topics have included cultural heritage in Victoria with Mr Mark Dugay-Grist, manager of state-wide heritage programs at Aboriginal Affairs Victoria. Mr Dugay-Grist shared his perspective gained as an archaeologist-anthropologist and as a native title applicant in north-west Victoria. Dr Ian Clark of Heritage Matters Pty Ltd spoke on the emerging field of connection report preparation.

The next forum is planned for Wednesday 25 September and will feature lawyers Mr Peter Kilduff and Mr Adam McLean discussing the Native Title Act's requirements for native title groups. This is especially relevant to applicants and those planning to make native title agreements.

To be added to the mailing list for the forum series please contact Taryn Lee on (03) 9920 3012.

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## Mediation Update

### Wotjobaluk claim moving ahead

The Tribunal has held 56 meetings since the Federal Court referred the Wotjobaluk application for mediation in September 1999. Parties have also held their own meetings and are hopeful that the claim will be resolved by the end of the year.

The Wotjobaluk claim covers Crown land and waters in the Wimmera district of western Victoria. There are 443 parties to the application including government, farmers, beekeepers, fishers, miners, foresters, recreational users as well as telecommunication and power providers.

Negotiations to date have mainly been between the Wotjobaluk and their representatives — Mirimbiak Nations Aboriginal Corporation — and the Native Title Unit of the Department of Justice, which acts on behalf of the State Government. Parties have used the state's *Guidelines for Native Title Proof in Victoria*, released in October 2001, during negotiations. These guidelines set out the material required from claimants to establish that they have the right kind of connection to the land and clarify confidentiality and privilege of material issues.

### Robinvale parties start talking

Tribunal member for the Robinvale application Dr Gaye Sculthorpe has conducted preliminary talks with representatives of the 293 registered parties to the Robinvale claim. After discussing the mediation process, each of the parties was given the chance to identify issues of concern.

The Robinvale application covers approximately 1 200 square kilometres of Crown land and waters surrounding Robinvale in north-west Victoria. The claim includes the Hattah-Kulkyne National Park and Murray-Kulkyne National Park as well as the waters of the Murray River, which means the NSW and SA governments have registered as interested parties.

Since mediation began in September last year, discussion has been focused on the provision of information about the Robinvale group to the State of Victoria and how to inform other Aboriginal people about the membership of the claim group and the substance of the claim itself.

The Tribunal is keeping parties informed by sending out update letters.

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### Member pleased with Wadi Wadi progress

The Wadi Wadi application is the smallest country claim in Victoria, covering approximately 14.2 square kilometres of Crown land and waters and having only 19 registered parties. It consists mainly of the Nyah Forest reserve located on the Murray River near Swan Hill in north-west Victoria.

The claim was referred to mediation in November last year and, after some initial difficulties in bringing the widely dispersed members of the claimant group together, Tribunal member Professor Douglas Williamson QC is pleased with recent progress and is now seeking to move the mediation forward.

## ILUA decision to be reviewed by Federal Court

An application to review a Tribunal decision to register an indigenous land use agreement is under way in the Federal Court. The court is being asked to review a decision by the Native Title Registrar to register an indigenous land use agreement between Boonerwung People and developers of a boat harbour at Blairgowrie, on the Mornington Peninsula near Melbourne.

The proceedings are continuing.

## New tools to help move talks forward

In a first for Victoria, the Melbourne registry has been involved in developing an agreed Mediation Protocol and Framework with the State Government and the Native Title Representative Body.

Victorian State Manager Mr Tony Shelley said that once finalised these will be important tools in progressing native title talks in Victoria.

There are four claims in mediation in Victoria — Wotjobaluk, Robinvale, Wadi Wadi and Gournditch Mara — and a further eight claims awaiting referral after that. These agreements will help to maximise outcomes by establishing ground rules for a coordinated effort.

## Progress of Native Title Claims\* in Victoria and Tasmania (as at time of publication)

Claim Name (Federal Court Number)	Lodged/Filed	Registration Test Decision	Notification Start	Notification End	Mediation Referral
Wotjobaluk People & Others (VG6002/98)	28/12/95	Conditions met (11/06/99)	17/06/98	17/08/98	09/09/99
Robinvale Aboriginal Community (VG6003/98)	27/03/96	Conditions met (03/06/99)	15/03/00	14/06/00	18/09/01
Wadi Wadi (VG6011/98)	05/06/97	Conditions met (31/05/00)	26/07/00	25/10/00	05/11/01
Gournditch-Mara (VG6004/98)	Various (combination)	Conditions met (27/07/99)	28/02/01	27/05/01	09/08/02
Wamba Wamba, Barapa Barapa & Wadi Wadi Peoples (V6005/00)	19/07/00	Conditions met (15/08/00)	25/07/01	24/10/01	
Latji Latji and Wergaia Peoples (V6002/00)	19/07/00	Conditions met (18/08/00)	31/10/01	30/01/02	
Latji Latji Peoples (V6003/00)	19/07/00	Conditions met (18/08/00)	31/10/01	30/01/02	
Dja Dja Wurrung Peoples (V6001/00)	19/07/00	Conditions met (15/08/00)	12/12/01	11/03/02	
Dja Dja Wurrung (V6001/99)	21/07/99	Conditions met (19/08/99)	12/12/01	11/03/02	
Dja Dja Wurrung People (V6003/99)	27/04/99	Conditions met (26/05/99)	12/12/01	11/03/02	
Dja Dja Wurung (VG6043/98)	Various (combination)	Conditions not met (04/12/98)	12/12/01	11/03/02	
Taungurung People (V6006/99)	22/09/99	Conditions met (11/11/99)	03/04/02	02/07/02	
Taungurung #4 (VG6021/98)	Various (combination)	Conditions met (04/11/99)	03/04/02	02/07/02	
Yupalgalk Peoples (V6004/00)	19/07/00	Conditions met (15/08/00)	29/05/02	28/08/02	
Wotjobaluk #6(V6005/99)	Various (combination)	Conditions met (11/06/99)	29/05/02	28/08/02	
Gunai/Kurnai People (VG6007/98)	04/04/97	Conditions met (21/04/99)	07/08/02	09/10/02	
Gunai/Kurnai Boonerwung (VG6005/98)	17/03/97	Not yet tested	Date not yet set	Date not yet set	
Wotjobaluk & Others #2 (VG6009/98)	Various (combination)	Conditions met (02/08/99)	Date not yet set	Date not yet set	
Dja Dja Wurrung (VG6006/98)	Various (combination)	Conditions met (16/09/99)	18/09/02	17/12/02	
Boonerwung People (VG6025/98)	11/05/98	Not yet tested	Date not yet set	Date not yet set	
Bidwell Clan (V6001/2002)	13/08/02	Not yet tested	Date not yet set	Date not yet set	
Sundown Point (T6001/2000)**	11/09/00	Conditions not met (20/05/02)	Date not yet set	Date not yet set	
<b>TOTALS:</b>	<b>22 active claims</b>	<b>19 decisions made (17 met conditions, 2 did not)</b> <b>3 decisions yet to be made</b>	<b>Notification commenced for 16 claims</b> <b>Notification yet to start for 6 claims</b>	<b>Notification period ended for 15 claims</b>	<b>4 claims referred for mediation</b> <b>11 claims awaiting referral</b>

\* Active claims only (no determined, discontinued or pre-combination claims featured here)

\*\* Only active claim in Tasmania

 = Activity has occurred.

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