



Federal Court reviews Victorian claims

The status of all Victorian native title claims was reviewed by Justice North in the Federal Court on 24 September 2008.

North West matters

These include four Dja Dja Wurrung claims and the Yupagalk, Robinvale and Wamba Wamba/Barapa Barapa/Wadi Wadi claims.

The State and the claimants told the Court that mediation was continuing according to agreed-upon timeframes, and aimed to build a settlement package for each group.

The parties noted that one of the settlement options, expected to become available through the proposed Victorian Native Title Settlement Framework (see March 2008 Talking Victoria), will be discussed at a meeting in October 2008. As proposed by the parties, the matters were adjourned to 12 December 2008.

Latji Latji

This claim was also adjourned to 12 December 2008, after the Court was advised that the boundary resolution process between the Latji Latji and Robinvale claimants was progressing well. A further mediation meeting between the parties is scheduled for October 2008.

The related **Latji Latji Wergaia** claim was also adjourned.

Kurnai

Time for claimants to file witness statements was extended – the Court had ordered on 17 July 2008 that these were to be filed by 18 September 2008.

The Court noted that since the last directions hearing, the Kurnai claimants had filed an application to strike out the Gunai/Kurnai claim. That application was listed for directions on 12 December 2008.

The Court adjourned the Kurnai claim to 12 December 2008 and vacated its order of 17 July 2008, noting that the question of filing witness statements would be revisited after the strike out application hearing.

The applicant and the State were also ordered to file a summary of their respective positions in relation to the strike out application.

The Kurnai claimants' strike out application against the Gunai/Kurnai Boonerwung claim (VC97/2 and VID6005/98) is also listed for hearing on 12 December 2008.

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Bunurong

Before the 24 September hearing, this claim was adjourned with the consent of the parties to 13 March 2009.

The full text of the court's orders can be downloaded via an 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.

Call for interest in Gippsland and Wilson's Promontory claims

Claims lodged by the Kurnai (in Gippsland) and the Gunai/Kurnai and Boonerwung people (in Wilson's Promontory) have been advertised by the Tribunal. People who have an interest in the claim areas have three months to 10 December 2008 to become a party to the claims, if they choose to do so.

The Tribunal has written to about 4,000 people in the Gippsland region to advise them about the native title applications and has advertised in local and regional newspapers. The advertising attracted strong media interest and there were many follow-up stories.

The notification letters explained that the **Kurnai claim** covers most of the area already claimed by the Gunai/Kurnai people, and that there is some disagreement between the groups about who are the traditional people for the Gippsland region. Recipients of the notification letter were advised that this issue will need to be resolved by the Federal Court before it can make a decision about who are the native title holders for the area.

The Kurnai claim area is 39,170 sq km of land and waters in eastern Victoria between Woods Point, Warragul and Foster in the west and Omeo, Buchan and Point Hicks in the east. Not all the land in the area is claimed – for example, the application excludes private freehold land.

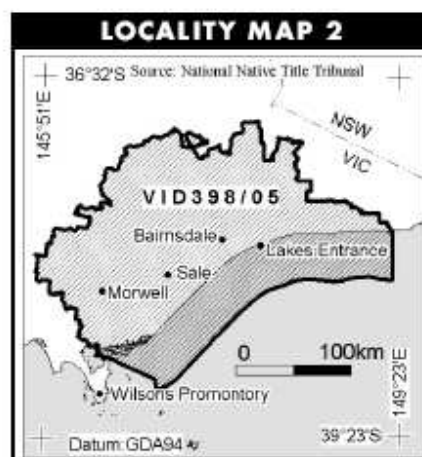
After the three-month notification process it is likely the Federal Court will hear the Kurnai application to decide if the Kurnai people are the native title holders for the area.

To the west of the Kurnai and Gunai/Kurnai claims is the **Gunai/Kurnai Boonerwung claim** over 7,970 sq km of land and waters between Port Franklin and Inverloch, including Wilson's Promontory National Park.

Anyone with an interest in either of the claims has until 10 December 2008 to apply to the Registrar of the Federal Court to become a party to the relevant application. In relation to the Kurnai claim, this may also mean involvement in the likely trial.

In most cases native title rights, if recognised by the court, will co-exist with, and be subject to, existing land use. The outcome of native title cases to date has shown that existing interests in land and waters are protected and in most cases would prevail over any native title rights and interests that might be recognised (see [Frequently asked questions about notification for details](#)).

Further information is available about the two applications and the notification process from Tribunal Senior Case Manager Nadja Mack on 03 9920 3018 or freecall 1800 640 501.



Forum examines NZ sovereignty and treaty experience

New Zealand's experience in the settlement of claims, from both Maori people and the Crown, will be explained in the Tribunal's first native title forum for 2008.

The forum, to be held on 30 September, will be led by Dean Cowie, a Pakeha (non-indigenous New Zealander), who will address the question 'Fair in the circumstances?' and will give an overview of Maori/Crown claims settlement.

Mr Cowie and his family moved to Melbourne in October 2007 when he was appointed Chief Negotiator with the Department of Justice's Native Title Unit. He has a Master of Arts in NZ history.

Mr Cowie worked for the Department for Courts' Waitangi Tribunal for seven years as a researcher. While at the Tribunal, he wrote several reports and appeared as an expert witness, managed the Tribunal's first casebook district inquiry, managed the first remedies inquiries, assisted the Tribunal to write several reports (which he says the Government went on to ignore), and, as Acting Chief Historian, oversaw the new interlocutory approach introduced by Chairperson Chief Judge J.V. Williams in 2000.

This was followed by six years at the Ministry of Justice's Office of Treaty Settlements where he managed a policy and negotiations team. The team managed five settlements through to implementation stage and advanced negotiations on several more. While in this role, Mr Cowie was branded a liar in parliamentary debates, described in a front page newspaper article as incompetent, and was unable to enter the town of Whanganui for several months because a curse had been placed on him.

Mr Cowie will give a short history of New Zealand's sovereignty and the Treaty of Waitangi and an overview of the historical claims settlement process.

He will also explain the two most recent settlements over the city of Wellington and the Waikato River, which he had worked on but were finalised after he had left. And with a bit of luck he'll also tell us a bit more about that curse!

When

Tuesday, 30 September 2008, 4–6pm

Where

National Native Title Tribunal, Conference Room,
Level 8, 310 King Street, Melbourne

RSVP

Phone Nadja Mack on (03) 9920 3018 or email
nadja.mack@nntt.gov.au

Victorian native title claims

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	In notification from 10 September to 10 December 2008	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 To be re-tested by 1 August 2008	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	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	In notification from 10 September to 10 December 2008	Not yet referred for mediation
VID667/06 Bunurong	15/06/06	Failed 10/06/2008	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

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