



# Native Title Services Victoria Ltd



Issue 5, December 2004

## From the Chairman

2004 has been an extremely busy and productive year for NTSV.

It is a year in which we have built the organisation and built our relationships with the State Government and with other key native title stakeholders – as well as making progress in relation to the various native title claims around the State.

I take this opportunity to inform all Victorian traditional owners that there will be a meeting of representatives of all Victorian first nations in Melbourne on Thursday 17 February 2005. All native title groups should try to give some thought to who their representatives at the meeting will be.

This meeting will be a very important opportunity for traditional owners to provide input to the Government's proposed strategies for Indigenous land justice. The meeting will be held at the Darebin Arts Centre and we will send further details in the new year.

The NTSV Board is committed to ensuring that the interests of traditional owners are at the heart of State Government policy in relation to indigenous land ownership and management, and related is-

ssues such as cultural heritage protection.

We are looking forward to 2005 as being a year of real native title progress in this State. We share the frustration expressed by Justice North in the Federal Court Directions Hearing on 7 December when he said that Victoria is lagging behind other States and Territories in getting native title matters settled and that the high hopes generated by State Government statements have not been matched by a serious commitment to outcomes.

I am confident, however, that there is sufficient goodwill on the part of the State Government to ensure that native title claims can be resolved in a way that strengthens our people's participation in the economic development of this State and that gives us true recognition as the traditional owners.

On behalf of the other NTSV directors I wish you all a very pleasant and peaceful Christmas and new year.

*Graham Atkinson*

*Chairperson*



The Black Gold conference was held in Castlemaine on 22-24 October. It was convened by Parks Victoria and focused on indigenous involvement in the goldfields region of Victoria. There was detailed discussion of Dja Dja Wurrung connection to the goldfields area, and Mr. Brien Nelson and other Dja Dja Wurrung people performed an important role in the conference, culminating in a major ceremony being performed on the evening of 23 October.

## Black Gold Conference



# CLAIMS UPDATE.CLAIMS UPD

All the Victorian native title applications were brought before the Federal Court at a Directions Hearing on 7 December. At beginning of the day, Justice North made some comments about the slow progress of claims in Victoria. He pointed out the contrast between the statements made by politicians and slow progress in actually finalizing the resolution of any claims before the court. He is urging new approaches by all the parties involved and proceeded to make Orders on various matters in an attempt to speed up the resolution. Most matters will be re-listed before Justice North on 9 March 2005 for a further review of progress.

## **WOTJOBALUK, JAADWA, JARDAWAJARLI, WERGAIA AND YAPAGULK CLAIM**

Wotjobaluk is currently in mediation before the NNTT. Significant progress has been made with a huge effort by all members of the claim group to overcome the remaining issues. All parties are now working together towards achieving a successful conclusion of the in-principle consent determination as soon as possible.

## **GUNDITJMARA**

The Gunditjmarra native title group have now submitted all connection material to the State. The State is having that material assessed by consultant anthropologists and a senior lawyer. The Attorney-General will be visiting Gunditjmarra Country and meeting claimants on 10 February 2005. The State has been ordered by the court to produce its Position Paper to the claimants by 28 February 2005. It is hoped that substantive negotiations between the Gunditjmarra group and the State will be able to commence after that. However given Justice North's concerns about delays in substantive negotiations commencing, he has listed the Gunditjmarra claim for early evidence on country for 4 days from 29 March 2005. If the parties have commenced substantive negotiations before that time, then it may not be necessary to proceed with the hearing dates.

## **GUNAI/KURNAI**

There has been a lot of positive movement over the last few months on the Gunai/Kurnai claim. The court hearing of the section 66B application was resolved by consent between the parties, resulting in a change of the registered applicants. NTSV is now assisting all the Gunai/Kurnai people to set up a process by which they can work together in negotiating the backlog of future act matters. NTSV convened a full group meeting on 15<sup>th</sup> December 2004 involving both Gunai/Kurnai and Kurnai people at which an instructing committee was nominated to make decisions on behalf of the whole group. The instructing committee will be meeting early in the new year to make decisions regarding the progression of outstanding future act matters.

At the directions hearing on 7<sup>th</sup> December 2004, Justice North ordered that the Gunai/Kurnai and the Kurnai to exchange material in relation to group composition, to assist in mediating the underlying issues between the Gunai/Kurnai and the Kurnai. Such material is to be exchanged by 2<sup>nd</sup> May 2005, with Tribunal mediation to have occurred by 24<sup>th</sup> June 2005 and a mediation report provided to the Court by 27<sup>th</sup> June 2005.

## **NORTH WEST REGIONAL AGREEMENT**

At a meeting with the Attorney-General in August at Lake Boga on 4 August, it was agreed that negotiations would include discussions on all issues raised in the Proposal paper which was sent to the Attorney-General in October 2003. It was also acknowledged that NTSV would need to be properly resourced to allow North West native title groups to properly participate in the process. The Attorney-General indicated that he would consider proposals from NTSV for funding.

As a result of the Federal Court Directions Hearing on 7 December 2004, for the purpose of the North West Regional Agreement, the Dja Dja Wurrung, Wadi/Wamba/Barapa and Yupagalk Native Title Groups are required to: (1) establish a body corporate; (2) establish a consultation and authorisation process; and (3) resolve boundary and other relevant internal processes.

The State of Victoria has agreed to provide limited funding to NTSV to finalise the above matters before 30 October 2005.

# ATE.CLAIMS UPDATE.CLAIMS

## **Wadi Wadi/Wamba Wamba/Barapa Barapa—Future Act Matters**

NTSV held meetings with the Wadi/Wamba/Barapa native title groups on 7 and 8 October and 20 November 2004 in Swan Hill. At these meetings the Wadi/Wamba/Barapa resolved to finalise negotiations with Cummins Minerals Pty Ltd for a gypsum mining licence and also for a Regional Exploration Agreement with the Minerals Council of Australia. The agreements have been signed off and will become active in 2005

The Wadi/Wamba/Barapa also met with representatives of the Natural Gypsum Miners Association of Victoria Inc. (“NGMA”) with a view to negotiating a Regional Mining Agreement with NGMA for the grant of current or future gypsum mining licences that fall within the Wadi/Wamba/Barapa native title claim.

The Wadi/Wamba/Barapa native title group on 20 November resolved to negotiate an agreement and put forward a proposal for consideration by the NGMA. If finalised, such an agreement would allow negotiations to be streamlined by allowing miners to “sign-up” to the Agreement between Wadi/Wamba/Barapa and NGMA and be bound by its conditions and rules. Such an agreement would be the first of its type finalised in Victoria and possibly Australia.



WWB Native Title Group & Cummins Minerals  
finalise mining license agreement 5390

## **Robinvale**

The Robinvale native title group have had several negotiation meetings with VicRoads around the construction of the new Euston/ Robinvale Bridge and discussions are continuing. The group have also received a response from the State regarding their preliminary connection material and NTSV research staff are currently completing the final stage of supplementary research to be presented to the State.

## **Bidawal**

A meeting was held in October to update the Bidawal people on the research that has occurred since the last meeting in September, and to provide information about the native title process. Research has now been completed and is in the process of being finalised so that it can be reviewed by the Legal Department early in the New Year.

## **Kirrae Wurrung**

Fruitful negotiations between the Kirrae Wurrung negotiating team and Santos Ltd have led to the parties reaching an in principle agreement for a new gas pipeline. It is hoped that the agreement will be finalised by the end of the year. Congratulations to all members of the negotiating team for a successful outcome negotiated on behalf of all Kirrae Wurrung native title holders.

## **Dja Dja Wurrung—Future Act Matters**

The Dja Dja Wurrung native Title Group signed off on an agreement with Terra Firma Quarries for two work authorities to extract stone.

NTSV is also attempting to obtain final signatories for the Regional Exploration Agreement with the Minerals Council of Australia. It is hoped that this agreement will be finalized early in 2005.

# Native Title Services Victoria

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## From the CEO's Desk

I am pleased to be able to report that NTSV is operating well and has had a good year, with 2005 to be even better.

Our high priority claim matters for the current year have all seen genuine progress:

- The settlement of the Wotjobaluk matter is now close to finalisation. Because this will include the first positive determination of native title in Victoria, it will be a very significant milestone;
- There has been real progress in relation to Gunai/Kurnai and a new instructing committee has been put in place to oversight future acts negotiations and other matters associated with the claim;
- The State Attorney-General will be visiting Gunditjmara country on 10 February to commence a process of serious negotiation to settle that claim;
- Following negotiation of a funding agreement with the State, serious work on a regional agreement to settle claims in the North West of the State will commence in the new year;
- Various forms of assistance have been provided to other groups as our limited resources has allowed.

Justice North, the Judge for native title matters in Victoria, has this month made it clear that he intends to push matters to a resolution more rapidly that had previously been the case and NTSV is absolutely committed to supporting claimant groups to be ready and able to negotiate suitable outcomes with the State Government to settle their claims.

There is a great deal to do and our funding resources are limited but we will be in discussion with both Commonwealth and State Governments regarding funding assistance and we will do our utmost to meet the timelines set by the Federal Court in the various matters.

We have recently appointed a Policy Officer (Kristie Dunn) and a Senior Legal Officer (Ross Maxted), both of these being new positions funded by the Commonwealth Government in order to increase our capacity to get the job done for native title groups in this State.

On behalf of the staff team I wish you all a very happy festive season.

*Chris Marshall*  
CEO



(L-R) Ricky Nelson, Daphne Milward, Carmel Barry, George Nelson, Brenda Nelson, Graham Atkinson and Brien Nelson and (in front) Paulette Nelson, at native title discussions in Castlemaine.

### Please Note

**The NTSV Office will be closed from 5pm Friday 24th December 2004, and will reopen on Tuesday 4th January 2005.**