

## Estimates Committee 2008 Questions Taken On Notice

( 17/6/2008 to 20/6/2008 )

Date: 18/06/2008  
Output: Solicitor for the Northern Territory  
Sub Output: Solicitor for the Northern Territory  
Subject: Newcastle Waters Test Case - Status

**From:** Mr Gerry Wood MLA to Dr Chris Burns MLA  
Minister for Justice and Attorney-General

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**Question:** **5-11**  
Minister, could you please supply information in relation to what is called the Newcastle Waters matter, which is a test case, I think, related to native title, and where that test case is at, at present?

**Answer:**  
Answered On: 18/06/2008  
Answer: I have been advised, in answer to question no 5.11 that the member for Nelson asked about Newcastle Waters and the polygon claim, and I will table this advice.

The matter involves six separate native title determination claims over two pastoral leases within the Barkly Region (Newcastle Waters Station and Murrnji Station) and over the Town of Newcastle Waters. It was an agreed test case in that it concerned the first native title claim over contemporary functioning pastoral leases.

On 26 September 2007, the Federal Court handed down its Determination on this matter. In summary, the Determination provides that exclusive native title rights exist in the Town of Newcastle Waters (with the exception of 19 areas) and that non-exclusive native title rights (that is, right to travel over land to hunt and fish and gather, and to use natural resources, to live, camp and erect shelters) exist in relation to the pastoral lease areas the subject of the proceedings.