

**Estimates Committee 2010**  
**Questions Taken On Notice**

( 11/06/2010 to 18/06/2010 )

Date: 11/06/2010

Output:

Sub Output:

Subject: Outstanding Native Title Claims

**From:**Mr Gerry Wood to Hon Delia Lawrie  
Justice and Attorney-General

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**1-3**

**Question:**

Could the department give us a list of outstanding native title claims, including details of where they are in relation to native title court decisions, and what they relate to? I am looking for the geographical areas they cover.

**Answer:**

Answered On: 11/06/2010

## Department of Justice

### ESTIMATES COMMITTEE 2010 – QUESTION ON NOTICE

Portfolio: Justice and Attorney-General  
Racing, Gaming and Licensing  
Alcohol Strategy

Date: Friday, 11 June 2010

Question No: 1.3

Question: Could the department provide a list of outstanding native title claims, including the details of where they are in terms of legal process and where they geographically refer.

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#### Response:

#### **OUTSTANDING NORTHERN TERRITORY NATIVE TITLE MATTERS AS AT 8 JUNE 2010**

##### 1. **DARWIN Matters** (**COMPENSATION Matters as shown in bold**):

- **Quall/Dangalaba matters**

Middle Arm	NTD6013 of 1998
Dangalaba 10 Howard Springs (part only)	NTD6026 of 1998
Howard River East	NTD6009 of 1999
Sec 4131 Hundred of Strangways	NTD6010 of 1999
Sec 2413 Hundred of Cavenagh	NTD6011 of 1999
Sec 1706/1714 Hundred of Guy	NTD6002 of 2000
NTP 4732 Hundred of Guy	NTD6003 of 2000
Cullen Bay/Bayview Haven 3	NTD6039 of 1998 (Compensation claim)

In January 2009 the Federal Court struck out Mr Quall's Middle Arm claim in response to an application by the Territory. An appeal by Mr Quall from that decision to the Full Federal Court was dismissed by Moore, Lindgren and Stone JJ. on 11 November 2009.

On 8 December 2009, an application for special leave to appeal to the High Court from the decision of the Full Federal Court was filed by Robert Welfare Barristers and Solicitors on behalf of Mr Quall. The special leave application was set down for hearing by the High Court for 24 June 2010 in Brisbane. However upon application by the Applicant's solicitors, the High Court has since directed that the matter be adjourned and be listed for hearing on the next available occasion.

The remaining Quall/Dangalaba claims have been adjourned by the Federal Court pending the outcome of the special leave application in the Middle Arm claim.

## 2. NORTHERN TOWNS & RELATED Matters:

- **Jabiru**

Jabiru Township NTD6027 of 1998

This is currently the subject of settlement discussions between the Territory, the Commonwealth and the Mirrar claimants.

- **Batchelor Matters**

Town of Batchelor NTD6057 of 2001

Town of Batchelor #2 NTD21 of 2005

Town of Batchelor #3 NTD18 of 2006

The town of Batchelor is subject to three overlapping and conflicting claims filed by the Kungarakana/Warai (represented by the NLC), the Finnis River Brinkin Group (represented pro bono by a local barrister) and the Rak Mak Mak Marranunggu represented by a Darwin solicitor.

The SFNT has instructions to formally explore the prospects for reaching a non-native title resolution which would bring the litigation concerning the town to an end. Discussions are continuing.

- **Remaining Northern Town matters**

### Priority matters

The priority listing / timetable for the resolution of the Northern Towns matters, by way of a consent determination, is as follows:

<b><u>Northern Towns:</u></b>	<b><u>Federal Court No.</u></b>	<b><u>Determination by:</u></b>
1. <b>Mataranka</b> matters comprising:		Programmed for consent determination by Oct-Dec 2010
(a) Mataranka Locality	NTD6001 of 2001	
(b) Town of Mataranka	NTD6026 of 2002	
2. <b>Borrooloola</b> matters comprising:		Not yet programmed for hearing
(a) Lots 825 and 826 Borrooloola	NTD6014 of 2000	
(b) Town of Borrooloola	NTD6003 of 2003	

3. **Pine Creek** matters comprising: Not yet programmed
- |                                  |                 |
|----------------------------------|-----------------|
| (a) Part Lot 291 Pine Creek      | NTD6015 of 1999 |
| (b) Pine Creek #2                | NTD6019 of 1999 |
| (c) Town of Pine Creek           | NTD6020 of 2002 |
| (d) Mary River West Portion 4410 | NTD6015 of 2000 |
4. **Adelaide River** matters comprising: Not yet programmed
- |                                    |                 |
|------------------------------------|-----------------|
| (a) Portion 4724 Adelaide River    | NTD6005 of 1999 |
| (b) Lot 160 Town of Adelaide River | NTD6045 of 2001 |
| (c) Adelaide River Lot 176(A)      | NTD6027 of 2000 |
| (d) Town of Adelaide River         | NTD6005 of 2002 |
| (e) Middle Arm (Kungarakan)        | NTD6014 of 1999 |
| (f) Town of Weddell (Kungarakan)   | NTD6025 of 2000 |
5. **Katherine** matters comprising: Not yet programmed
- |                        |                 |
|------------------------|-----------------|
| (a) Town of Katherine  | NTD6002 of 1999 |
| (b) Lot 1348 Katherine | NTD6001 of 2000 |

### 3. PASTORAL MATTERS:

The Court has made orders in relation to the progression of the following Group 4 Lead Matters. It is anticipated that these matters are unlikely to be resolved before the end of 2010.

#### Pastoral matters programmed for consent determinations 2010

- **Lead Matter: "Group 4 Matters" (Beetaloo-Hayfield, Auvergne and Montejinni)**

##### **AUVERGNE matters**

Auvergne	NTD6002 of 2001
Miriuwung Gajerrong No. 3	NTD6008 of 1998
Newry Rosewood	NTD6010 of 2001
Auvergne No. 2	NTD6023 of 2002
Rosewood	NTD6006 of 2002

##### **MONTEJINNI matters**

Camfield Montejinni	NTD6018 of 2002
Dungowan	NTD6034 of 2001
Camfield	NTD6042 of 2001
Pigeon Hole (part only)	NTD6027 of 2002
Killarney Delamere (part only)	NTD6028 of 2002

## **BEETALOO/HAYFIELD matters**

Nathan River	NTD6053 of 2001
Daly Waters	NTD6071 of 2001
Tanumbirini	NTD6036 of 2002
Tandyidgee (part only)	NTD6037 of 2001
Newcastle Waters	NTD6008 of 2001 (to extent this application is not covered by the determination of the Court in September 2007)
Newcastle Waters #2	NTD6033 of 2002 (to extent this application is not covered by the determination of the Court in September 2007)
Murrانji	NTD6024 of 2000 (to extent this application is not covered by the determination of the Court in September 2007)
Murrانji #2	NTD6013 of 2002 (to extent this application is not covered by the determination of the Court in September 2007)
Buchanan Downs	NTD6017 of 2002 (to extent this application is not covered by the determination of the Court in September 2007)

**Remaining Pastoral matters** (these matters have not yet been programmed for completion)

- **MULLAPUNYAH / CRESWELL Matters**

Mullapunyah / Creswell	NTD6001 of 2002
Borrooloola Region	NTD6020 of 1998
Spring Creek #2	NTD6017 of 2000
Wollogorang	NTD6019 of 2000
Spring Creek #1	NTD6020 of 2000
Kiana #1	NTD6023 of 2000
McArthur River	NTD6031 of 2000
Mullapunyah North	NTD6003 of 2001
Calvert Hills	NTD6004 of 2001
Calvert Hills #2	NTD6020 of 2001
Kiana – Calvert	NTD6024 of 2001
North Calvert Hills	NTD6032 of 2001
Creswell / Benmara	NTD6039 of 2001
Spring Creek #4	NTD6051 of 2001
Spring Creek #3	NTD6052 of 2001
Pungalina	NTD6058 of 2001
Kiana West	NTD6068 of 2001
Wollogorang South	NTD6012 of 2002
McArthur River #2	NTD6015 of 2002

- **DALMORE DOWNS Matters**
  - Dalmore Downs NTD6030 of 2001
  - Dalmore Downs South NTD6003 of 2002
  - Burramurra NTD6016 of 2002
  
- **CHATTAHOOCHE Matters**
  - Chattahoochie NTD6019 of 2001
  - Roper Valley NTD6026 of 2000
  - Mountain Valley NTD6011 of 2001
  - Urapunga #2 NTD6013 of 2001
  - Goondooloo Moroak NTD6014 of 2001
  - Roper Valley North NTD6062 of 2001
  - Mountain Valley/Mainoru NTD6063 of 2001
  - Chatterhoochie/Mount McMinn NTD6064 of 2001
  - Big River/Urapunga NTD6065 of 2001
  - Goondooloo/Moroak #2 NTD6066 of 2001
  - Wongalara NTD6067 of 2001
  
- **MARY RIVER Matters**
  - Mary River NTD6018 of 2000
  - Mt Ringwood NTD6029 of 2000
  - Mount Keppler NTD6032 of 2000
  - Old Mount Bundy NTD6033 of 2000
  - Mary River West NTD6006 of 2001
  - Tipperary North NTD6007 of 2001
  - Bonrook NTD6018 of 2001
  - Ban Ban Springs NTD6021 of 2001
  - Douglas North NTD6023 of 2001
  - Fish River NTD6028 of 2001
  - Deepwater NTD6006 of 2003
  - Jindare NTD9 of 2004
  - McKinlay River NTD21 of 2004
  - West Ban Ban #2 NTD24 of 2004
  - Tipperary (Kamu) NTD8 of 2007
  
- **BANKA BANKA Matters**
  - Banka Banka NTD6005 of 2001
  - Brunchilly NTD6031 of 2001
  - Eva Downs NTD6035 of 2001
  - Tandyidgee /  
Powell/Helen Springs NTD6036 of 2001
  - Powell Creek NTD6038 of 2001

- |                            |                 |
|----------------------------|-----------------|
| Helen Springs              | NTD6040 of 2001 |
| Rockhampton/Brunette Downs | NTD6001 of 2003 |
| Tandyidgee (Part Only)     | NTD6037 of 2001 |
| Brunette Downs             | NTD18 of 2009   |
- **WELLTREE Matters :**

Lower Reynolds River	NTD 6060 of 2001
Welltree	NTD 6004 of 2002
LaBelle Downs	NTD 6029 of 2002
LaBelle Downs/	
Lower Reynolds River #2	NTD 22 of 2005
Litchfield National Park	NTD 24 of 2005
Welltree #2	NTD 25 of 2005
Wagait Land Trust No 1	NTD 30 of 2005
Wagait Land Trust No. 2	NTD 31 of 2005
  
  - **DRY RIVER Matters**

Dry River	NTD6009 of 2002
Lorella Downs	NTD6016 of 2000
Billengarra	NTD6030 of 2000
West Mathison	NTD6049 of 2001
Nutwood Downs	NTD6059 of 2001
New Lakefield	NTD6008 of 2002
Willeroo – Delamere	NTD6011 of 2002
Lorella - Nathan River	NTD6031 of 2002
Larrimah	NTD6016 of 2001
  
  - **“DISPARATE” Matters [i.e. “groups of one”]**

Bradshaw Station	NTD6028 of 1998
Mt Drummond	NTD6012 of 2001
Edith River	NTD20 of 2004
Pigeon Hole (PART ONLY)	NTD6027 of 2002
Killarney Delamere (Part Only)	NTD6028 of 2002
  
  - **Humbert VRD Matters :**

Humbert VRD	NTD6029 of 2001
Victoria River	NTD6022 of 2002

#### 4. OFFSHORE MATTERS

Resolution of the offshore matters (excluding Borrooloola Gulf which was filed in support of a compensation claim under the *McArthur River Project Agreement Ratification Act* (NT)) are anticipated to be resolved by way of consent determinations, subject to anthropological reports, and on the basis of recognition of non-exclusive native title rights in the sea similar to the rights determined by the Court in the Croker Island Seas case.

Borrooloola/Gulf Region	NTD6021 of 1998
Edward Pellew Islands	NTD6024 of 1998
West Arnhem Seas	NTD6025 of 1998
Blue Mud Bay No.1	NTD6043 of 1998
Bonaparte Gulf	NTD6009 of 2001

#### 5. MISCELLANEOUS MATTERS:

Daly River	NTD6042 of 1998
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This is essentially an intra-indigenous dispute lodged by the Kamu, a subset of the Malak Malak, over Malak Malak ~~land~~ trust land. Mediation has failed and the report by the National Native Title Tribunal to the Federal Court is that the matter should be listed for hearing.

The Kamu are unrepresented and the Malak Malak are represented by the NLC.

The NTG is not involved in the dispute between the parties.

#### 6. CENTRAL Matters:

- **"Newcastle waters rights" claimed over pastoral leases:**

Singleton	NTD6011 of 2000
Kalkarindji	NTD6013 of 2000
Newhaven	NTD6028 of 2000
Kurundi	NTD6017 of 2001
Ooratippra	NTD6043 of 2001
Lake Nash	NTD6061 of 2001
Sandover River	NTD6069 of 2001
Parrta	NTD6004 of 2003
Molly Hill	NTD6005 of 2003
Glen Helen	NTD6007 of 2003
Alcoota	NTD6008 of 2003
South West Glen Helen	NTD2 of 2005
Mount Doreen	NTD5 of 2005



Napperby	NTD6 of 2005
Alcoota #2	NTD35 of 2005
Mt Everard	NTD36 of 2005
Bond Springs	NTD4 of 2006
Aileron	NTD20 of 2007
Neutral Junction	NTD13 of 2008

The above matters have not yet been programmed for final resolution.

- **Other central claims:**

Kalkarindji	NTD6013 of 2000
Ooratippra	NTD6043 of 2001

Government is yet to receive connection material to progress these 2 matters.

- **Claims that will be withdrawn:**

Parrta	NTD6004 of 2003
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Claim to be withdrawn on scheduling of land under ALRA. Commonwealth to introduce relevant legislation later this year.

## 7. PARKS & RESERVES MATTERS:

West McDonnells	NTD6048 of 2001
Dulcie Ranges	NTD6034 of 2002

These matters are subject of a separate process involving the grant of land either pursuant to the *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA) or by way of Territory freehold grant pursuant to the *Crown Lands Act* in exchange for withdrawal of the native title claims. The separate process is that set out in the *Parks & Reserves (Framework for the Future) Act* (NT).

The West McDonnells claim (NTD6048 of 2001) will be withdrawn when the deed of grant is handed over to traditional owners by the Governor-General pursuant to the provisions of ALRA. Although the park has been included in Schedule 1 of ALRA no date has yet been set for the official handover ceremony.

The Dulcie Ranges claim (NTD6034 of 2002) will be withdrawn on the grant of Territory freehold title under the *Crown Lands Act*.