

SHARED COUNTRY AND FILLING IN THE GAPS

NATIONAL NATIVE TITLE CONFERENCE – TOWNSVILLE JUNE 2017

SUSAN PHILLIPS – NSW AND QUEENSLAND BARS

Native Title Determinations

As at 31 March 2017

Determination Outcomes

- Native title exists (exclusive)
- Native title exists (non-exclusive)
- Native title does not exist
- Native title extinguished
(Not within determined area)

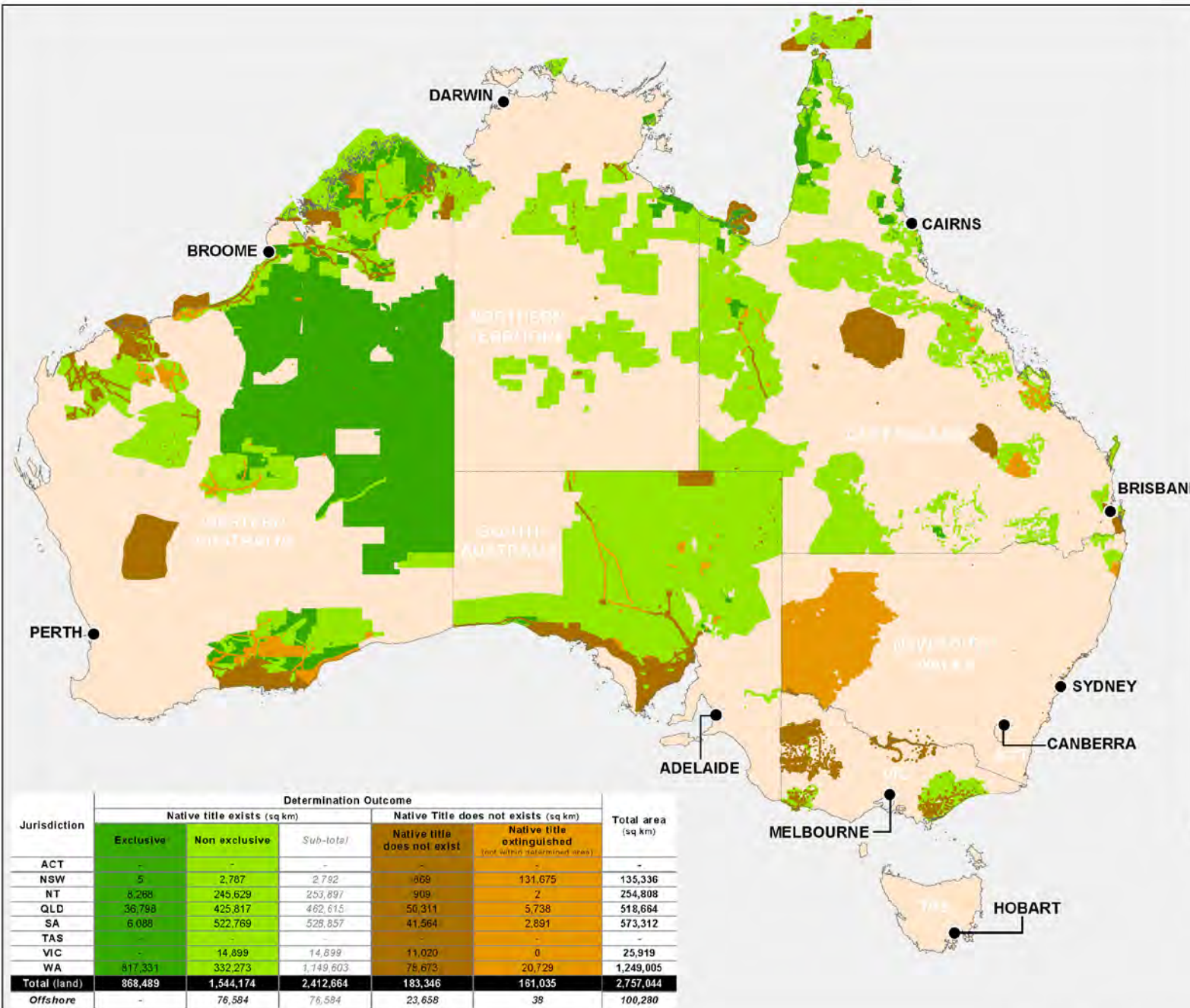
Some or parts of some determinations may not yet be in effect or on the National Native Title Register (NNTTR). The court may decide that the determination of native title will take effect conditional upon some future event occurring, for example, the registration of an Indigenous Land Use Agreement or the establishment and registration of a prescribed body corporate (PBC). In these cases the determination, or relevant part, will not be registered on the NNTTR until the condition has been met.

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Areas have been calculated using Australian Albers projection (EPSG 3577) in square kilometres. Reference to ACT also include Jervis Bay Territory.

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Jurisdiction	Determination Outcome					Total area (sq km)
	Native title exists (sq km)			Native title does not exist (sq km)		
	Exclusive	Non exclusive	Sub-total	Native title does not exist	Native title extinguished (not within determined area)	
ACT	-	-	-	-	-	-
NSW	5	2,787	2,792	869	131,675	135,336
NT	8,268	245,629	253,897	909	2	254,808
QLD	36,798	425,817	462,615	50,311	5,738	518,664
SA	6,088	522,769	528,857	41,564	2,891	573,312
TAS	-	-	-	-	-	-
VIC	-	14,899	14,899	11,020	0	25,919
WA	817,331	332,273	1,149,603	78,873	20,729	1,249,005
Total (land)	868,489	1,544,174	2,412,664	183,346	181,035	2,757,044
Offshore	-	76,584	76,584	23,658	39	100,280



Native Title Determinations and Claimant Applications

Schedule of Native Title Determination Applications

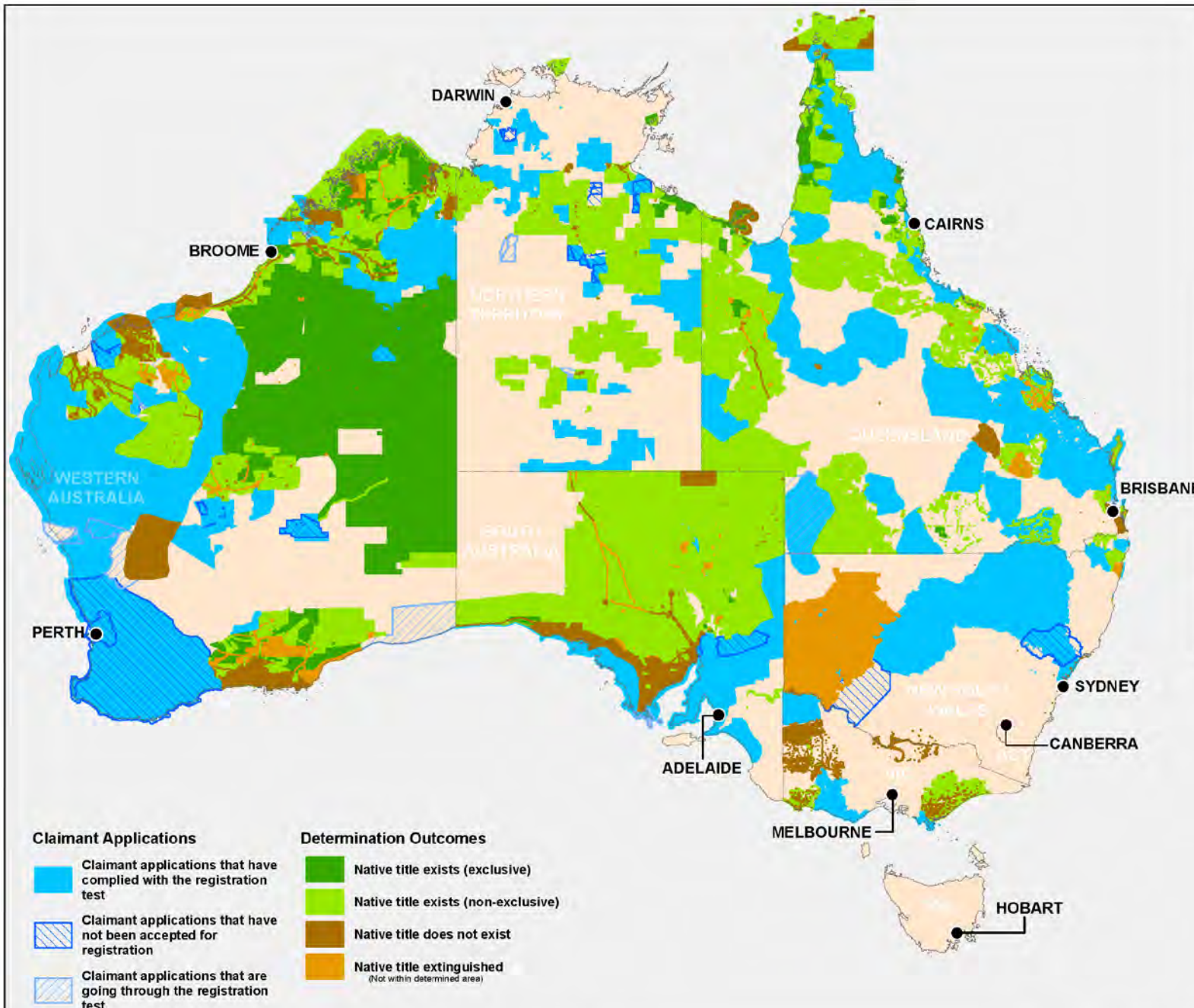
As at 31 December 2016

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Claimant Applications

- Claimant applications that have complied with the registration test
- Claimant applications that have not been accepted for registration
- Claimant applications that are going through the registration test

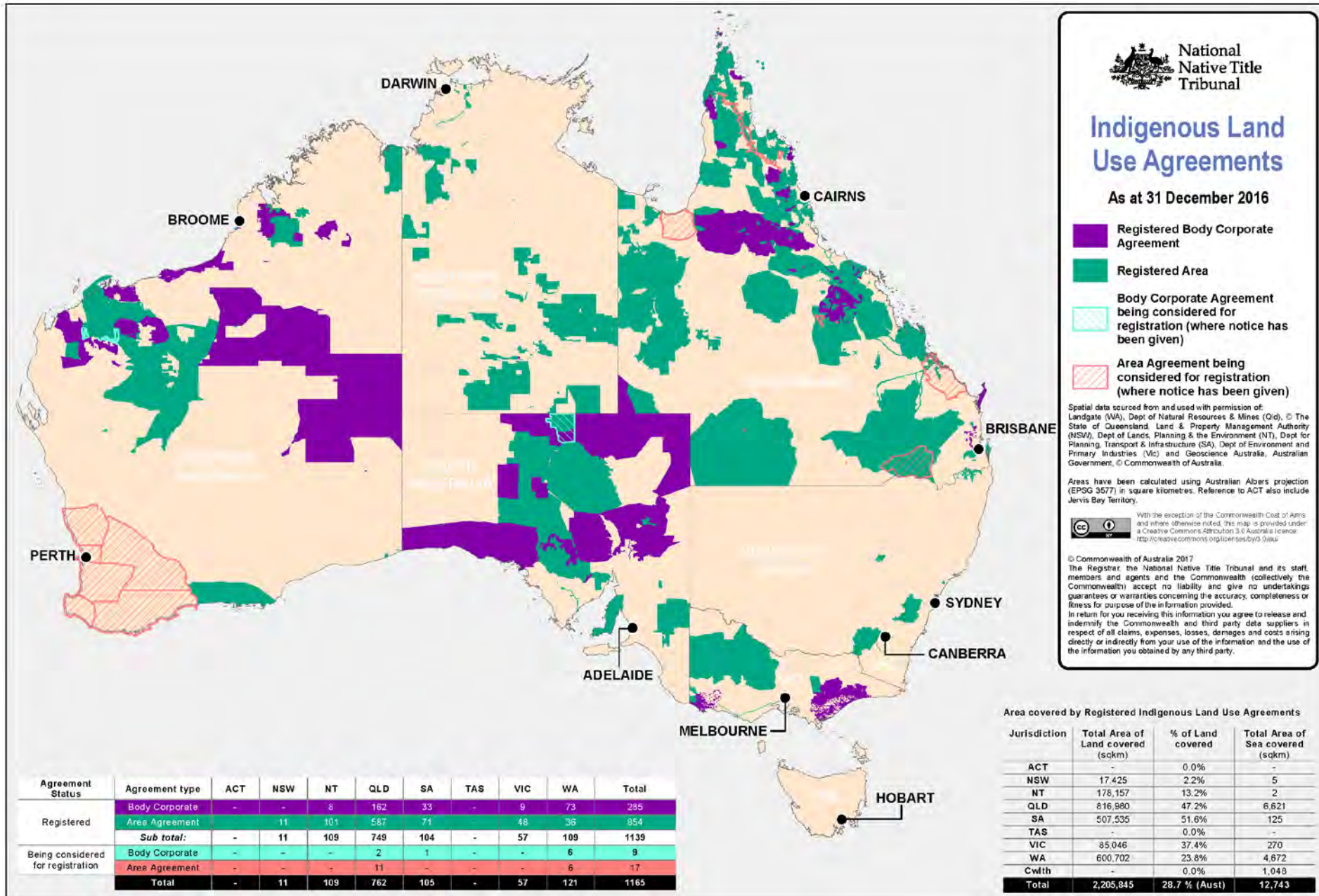
Determination Outcomes

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- Native title exists (non-exclusive)
- Native title does not exist
- Native title extinguished (Not within determined area)

Percentage of land covered

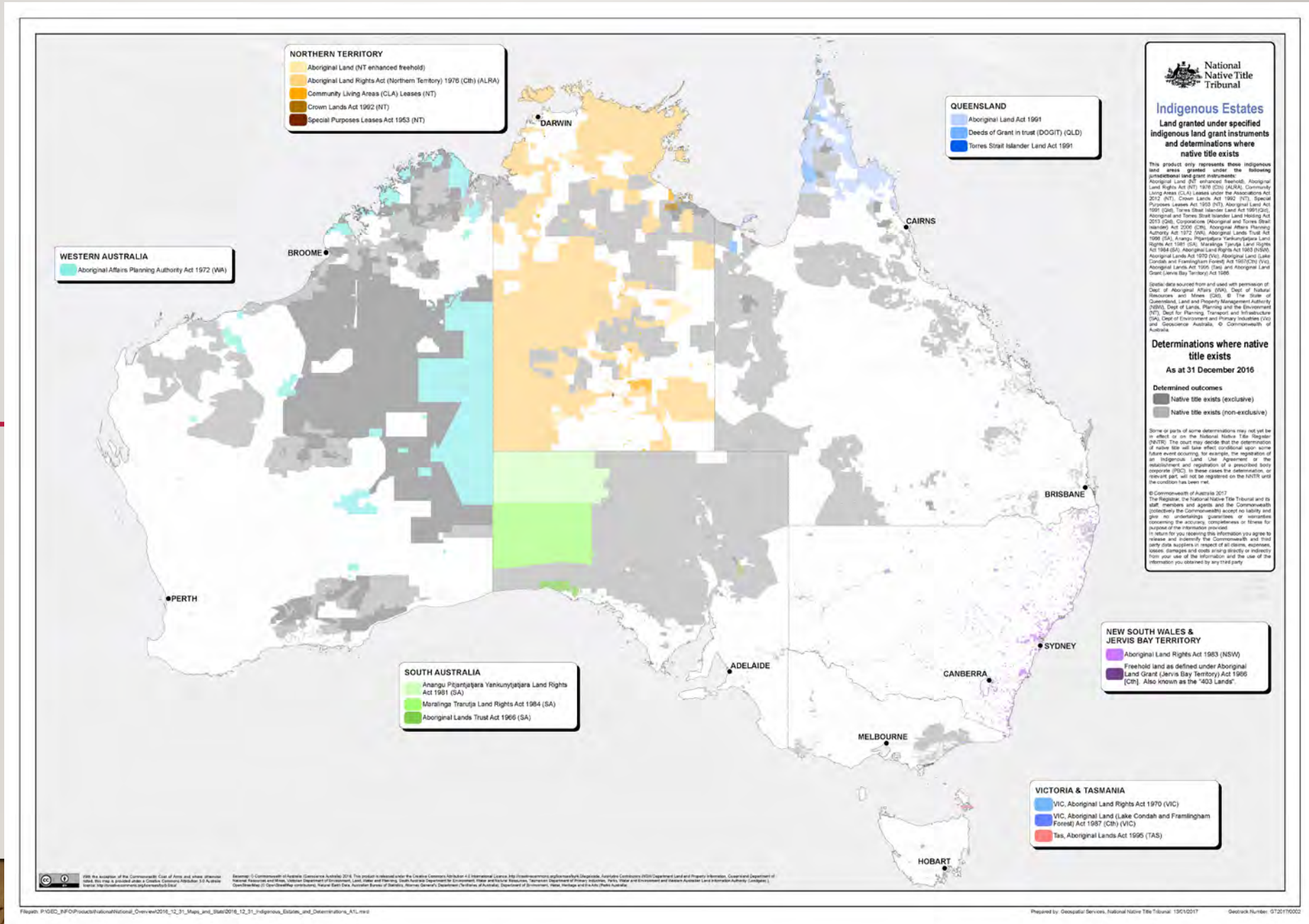
Jurisdiction	Subject to a determination	Subject to a claimant application
ACT	0.0%	0.0%
NSW	0.5%	33.8%
NT	18.9%	13.8%
QLD	27.3%	33.9%
SA	58.0%	16.1%
TAS	0.0%	0.0%
VIC	11.4%	13.1%
WA	48.6%	34.6%
Total	33.2% (Aust)	27.4% (Aust)

ILUAS: 1153



INDIGENOUS ESTATE

Areas held under native title or state and territory land rights regimes



STATISTICS

- **Some statistics**
- There have been 2,217 applications made under the *Native Title Act 1993* (Cth) ('NTA') since it came into effect on 1 January 1994,
- 1800 of them claimant applications.
- 1,525 of them have been withdrawn or resolved without determinations being made.
- A number have been dismissed, struck out or discontinued and
- 315 have secured recognition native title exists

DETERMINATIONS

- **Native Title Determinations** **378**
- Native title exists in the **entire** determination area 127
- Native title exists in **part** of the determination area 188
- **315**
- Re claimant applications:
- Native title does not exist in the entire determination area 16
- Re Non-claimant 45

ACTIVE NATIVE TITLE APPLICATIONS

• Claimant	268
• <i>(Registered claimant</i>	<i>236)</i>
• Non-Claimant	37 (372 filed)
• Compensation	8 (41 filed)
• Revised Native Title Determination	1 (4 filed)
• TOTAL	314

CONSENT AND LITIGATION

- Consent Determinations 293
- Litigated claimant determination 38
- Litigated claims where native title recognised 26
- Native title not recognised 12
- Unopposed Determination (non-claimant applications) 36

As per the Schedule of Applications - Federal Court & National Native Title Register as at 31/03/2003



Native Title Claims (NTCs) and Registered Native Title Interests (RNTIs) as at 31/03/2003. This map shows the geographical distribution of these claims and interests across Queensland. The map is color-coded to distinguish between different groups and their respective areas of claim or interest. A legend in the top right corner provides further details on the symbols and colors used. The map also includes a coordinate grid and labels for various Indigenous groups and their traditional lands.



Native TitleVision

Indjalandji-Dhidhanu
determination area

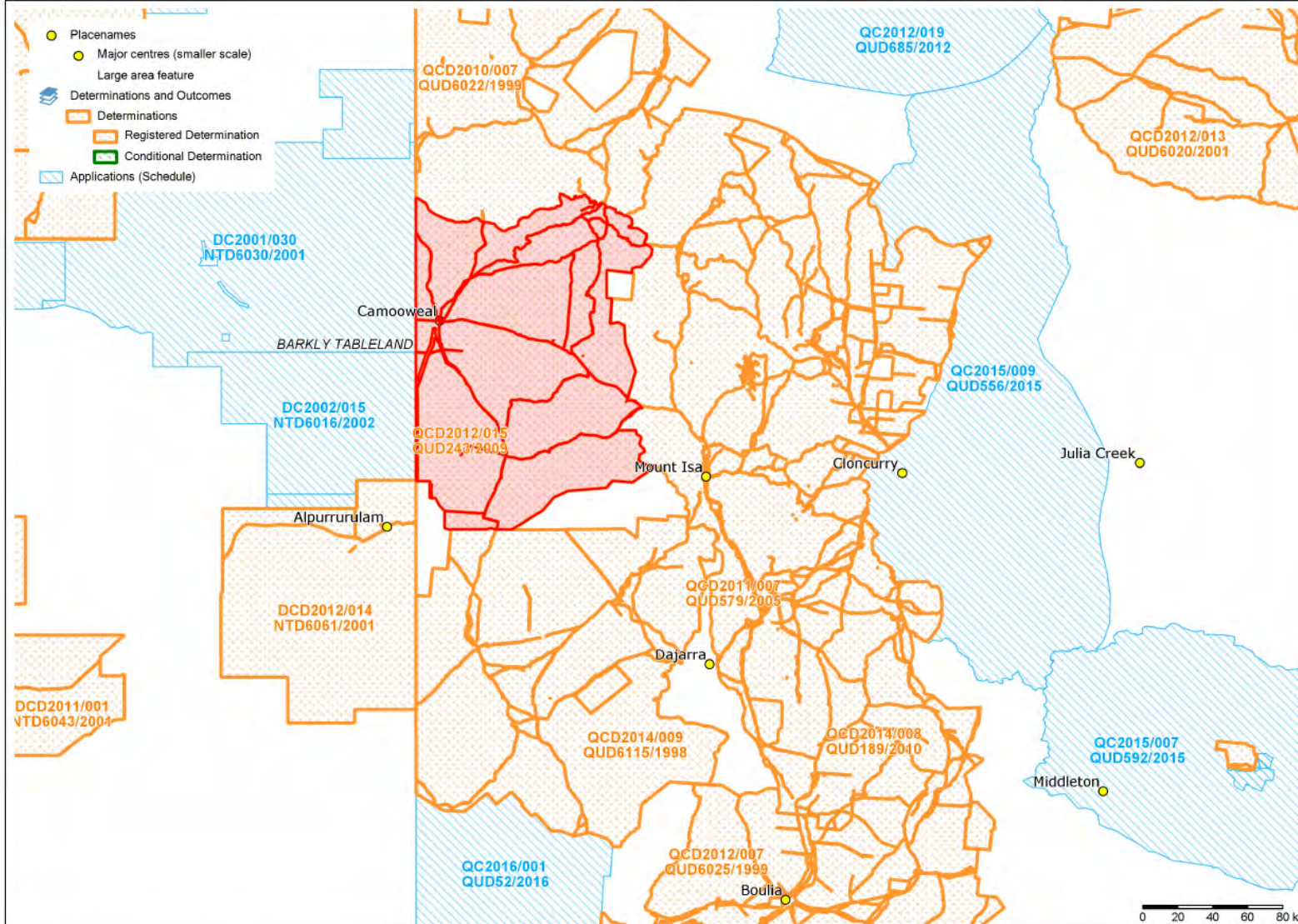
Selection information

Determinations

Name Indjalandji-Dhidhanu People
Tribunal No QC2012/015
Fed Court No QUD243/2009
Determined 18/12/2012
Method Consent
Outcome Native title exists in parts of the determination area

Date Registered 10/05/2013
Area Sq Km 19391.7458
Fed Court Name Saltmere on behalf of the Indjalandji-Dhidhanu People v State of Queensland

Related NTDA QC2009/003
Status In effect - Finalised
Determination Document [Austlii](#)
Register Extract [Register extract](#)



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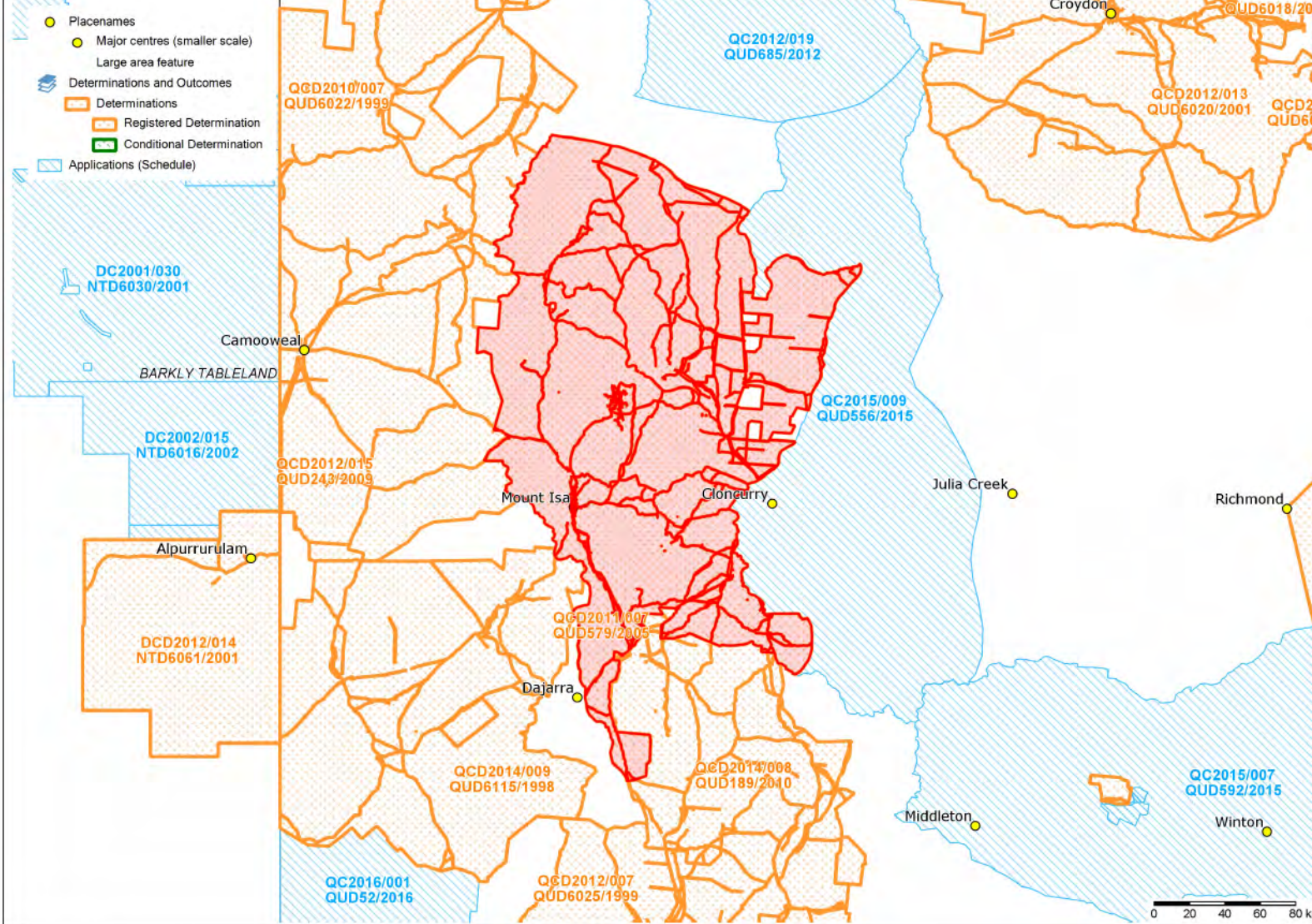
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Native TitleVision

Kalkadoon determination area



Selection information

Determinations

Name Kalkadoon People #4
 Tribunal No QCD2011/007
 Fed Court No QUD579/2005
 Determined 12/12/2011
 Method Consent
 Outcome Native title exists in parts of the determination area

Date Registered 12/06/2012
 Area Sq Km 37500.2889
 Fed Court Name Doyle on behalf of the Kalkadoon People #4 v State of Queensland (No 3)

Related NTDA QC2010/004
 Status In effect - Finalised
 Determination Document [AustLII](#)
 Register Extract [Register extract](#)

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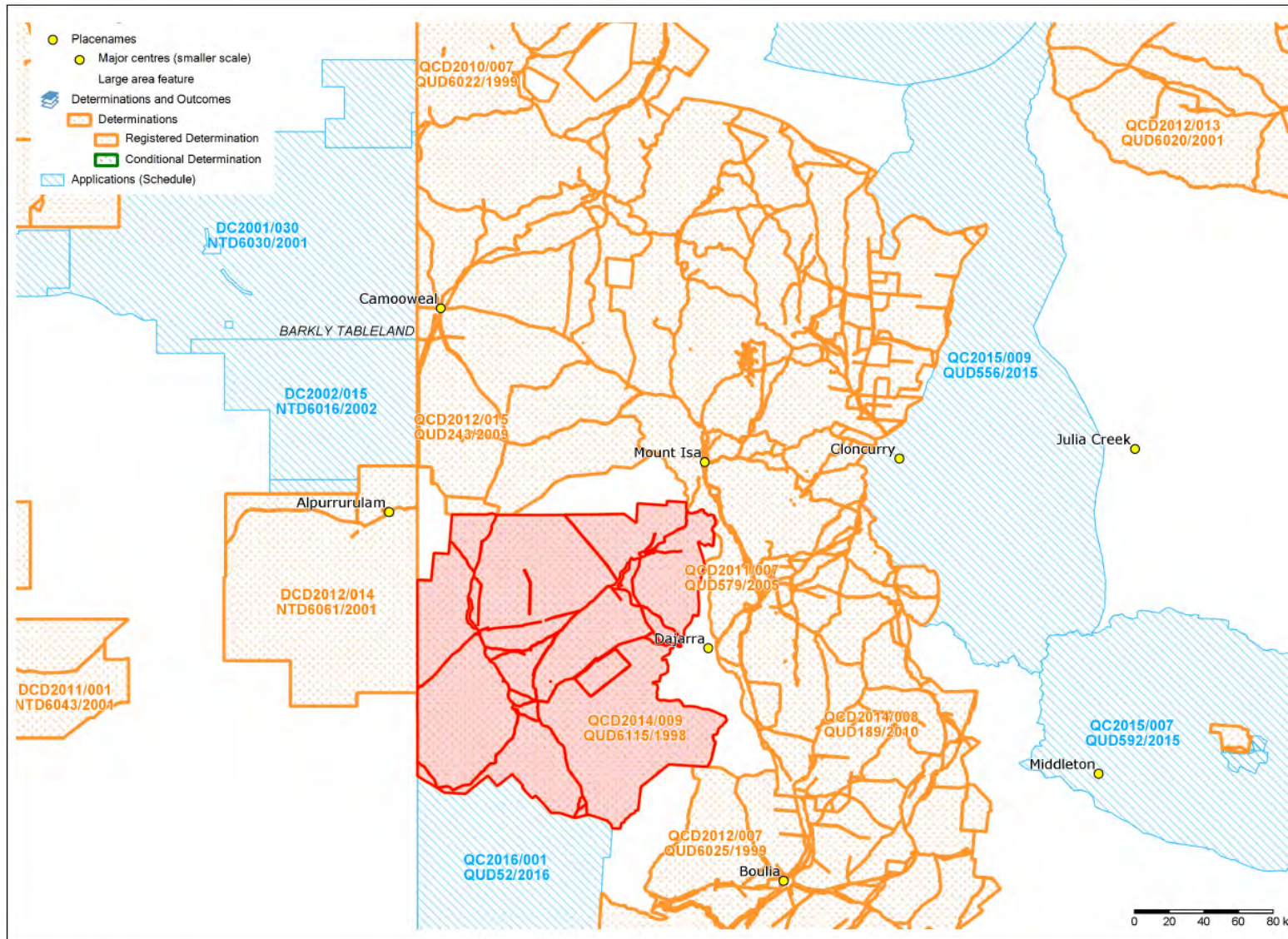
Native TitleVision

Bularnu Waluwarra
Wangkayujuru determination
area

Selection information

Determinations

Name	Bularnu Waluwarra & Wangkayujuru People
Tribunal No	QC2014/009
Fed Court No	QUD6115/1998
Determined	27/05/2014
Method	Litigated
Outcome	Native title exists in the entire determination area
Date Registered	23/06/2014
Area Sq Km	23665.4131
Fed Court Name	Elizabeth Dempsey & Ors on behalf of the Bularnu Waluwarra & Wangkayujuru People v State of Queensland & Ors
Related NTDA Status	QC2013/001 In effect - Finalised
Determination Document	AustLII
Register Extract	Register extract



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Native TitleVision

Lake Nash determination area

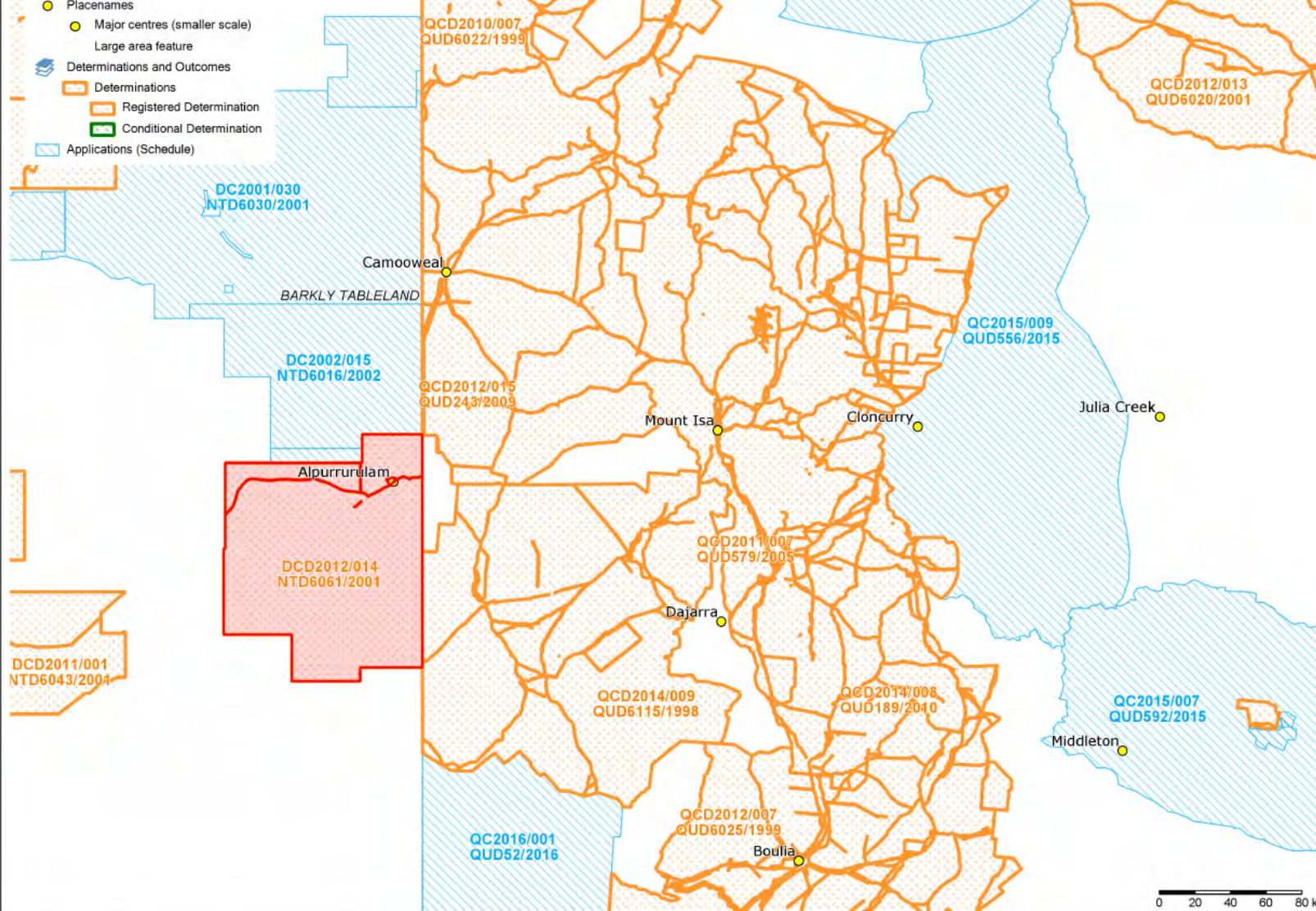
Selection information

Determinations

Name	Lake Nash
Tribunal No	DCD2012/014
Fed Court No	NTD6061/2001
Determined	15/08/2012
Method	Consent
Outcome	Native title exists in parts of the determination area

Date Registered	15/08/2012
Area Sq Km	12087.0704
Fed Court Name	Smardin on behalf of the Ilperrelhelam, Malarrarr, Nwerrarr, Meyt, Itnwerrengayt and Ampwertety Landholding Groups v Northern Territory of Australia

Related NTDA	DC2001/061
Status	In effect - Finalised
Determination Document	AustLI
Register Extract	Register extract



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Native TitleVision

Pitta Pitta determination area

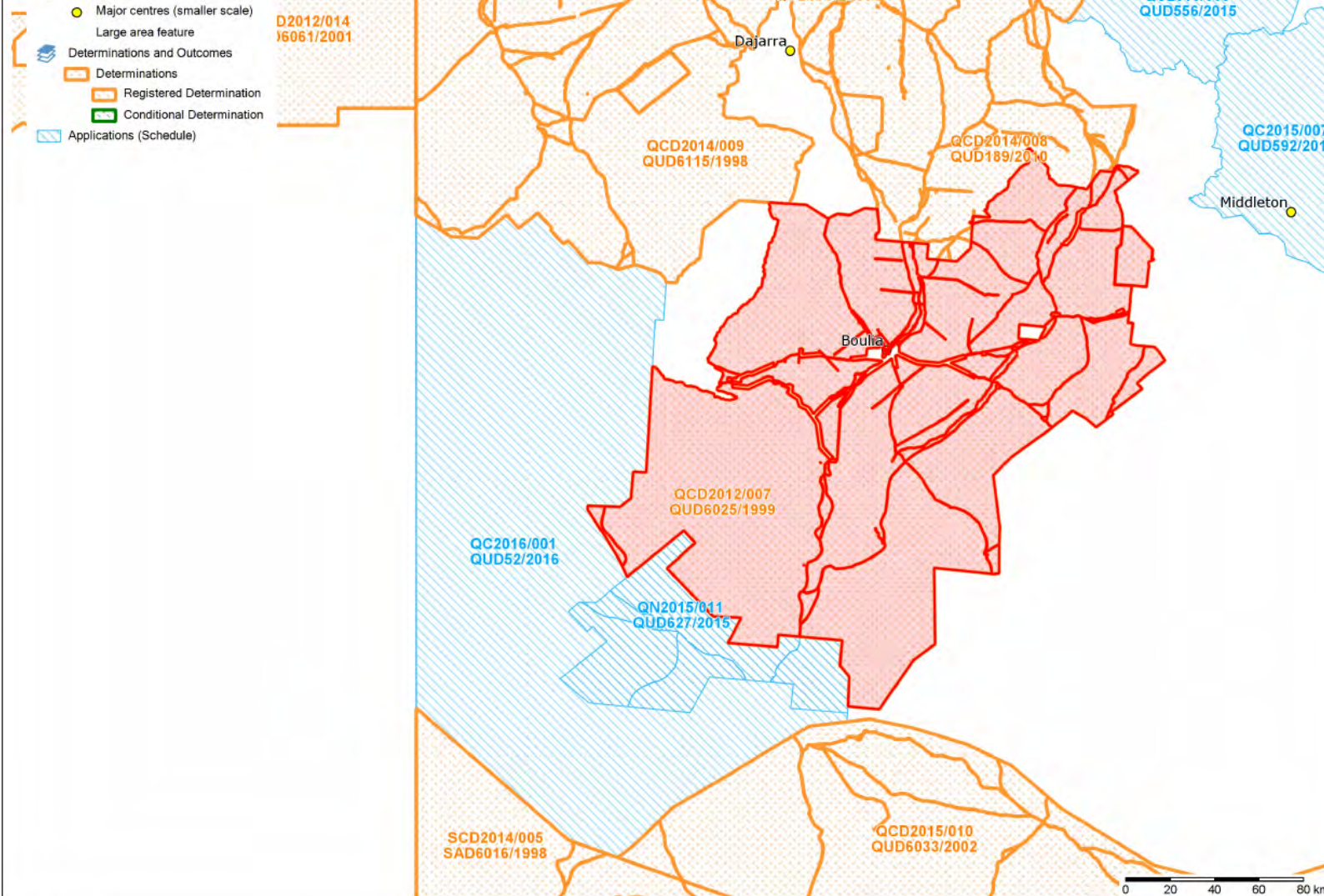
Selection information

Determinations

Name	Pitta Pitta People
Tribunal No	QCD2012/007
Fed Court No	QUD6025/1999
Determined	28/08/2012
Method	Consent
Outcome	Native title exists in parts of the determination area

Date Registered	17/01/2014
Area Sq Km	29867.4826
Fed Court Name	Aplin on behalf of the Pitta Pitta People v State of Queensland
Related NTDA	QC1999/027

Status	In effect - Finalised
Determination Document	AustLII
Register Extract	Register extract



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Native TitleVision

Wangkangurru/Yarluyandi
determination area

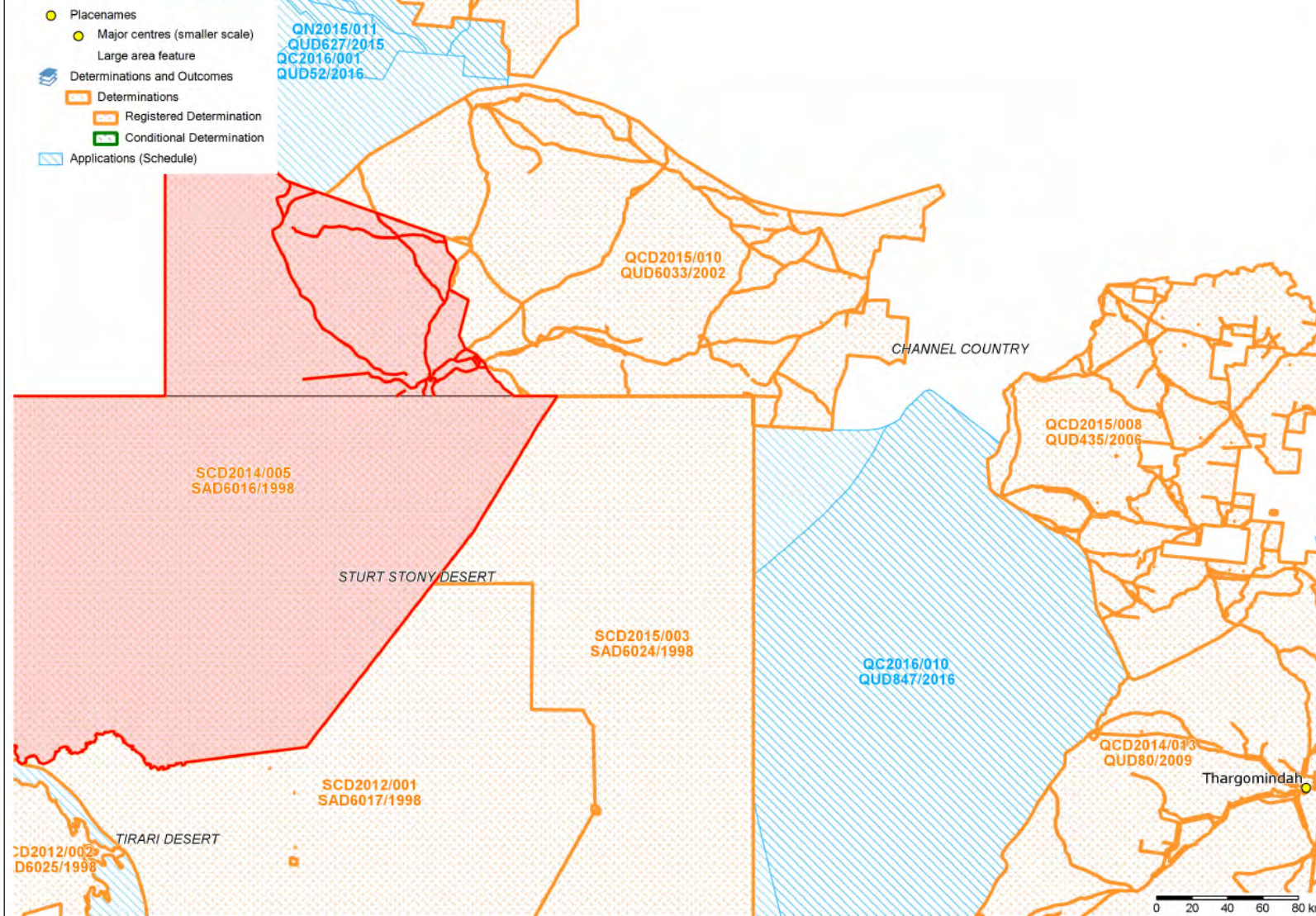
Selection information

Determinations

Name	The Wangkangurru/Yarluyandi Native Title Claim
Tribunal No	SCD2014/005
Fed Court No	SAD6016/1998
Determined	03/10/2014
Method	Consent
Outcome	Native title exists in parts of the determination area

Date Registered	03/10/2014
Area Sq Km	79617.7181
Fed Court Name	Wangkangurru/Yarluyandi Native Title Claim and The State of South Australia & ors

Related NTDA Status	SC1997/003
Determination Document	Austlii
Register Extract	Register extract



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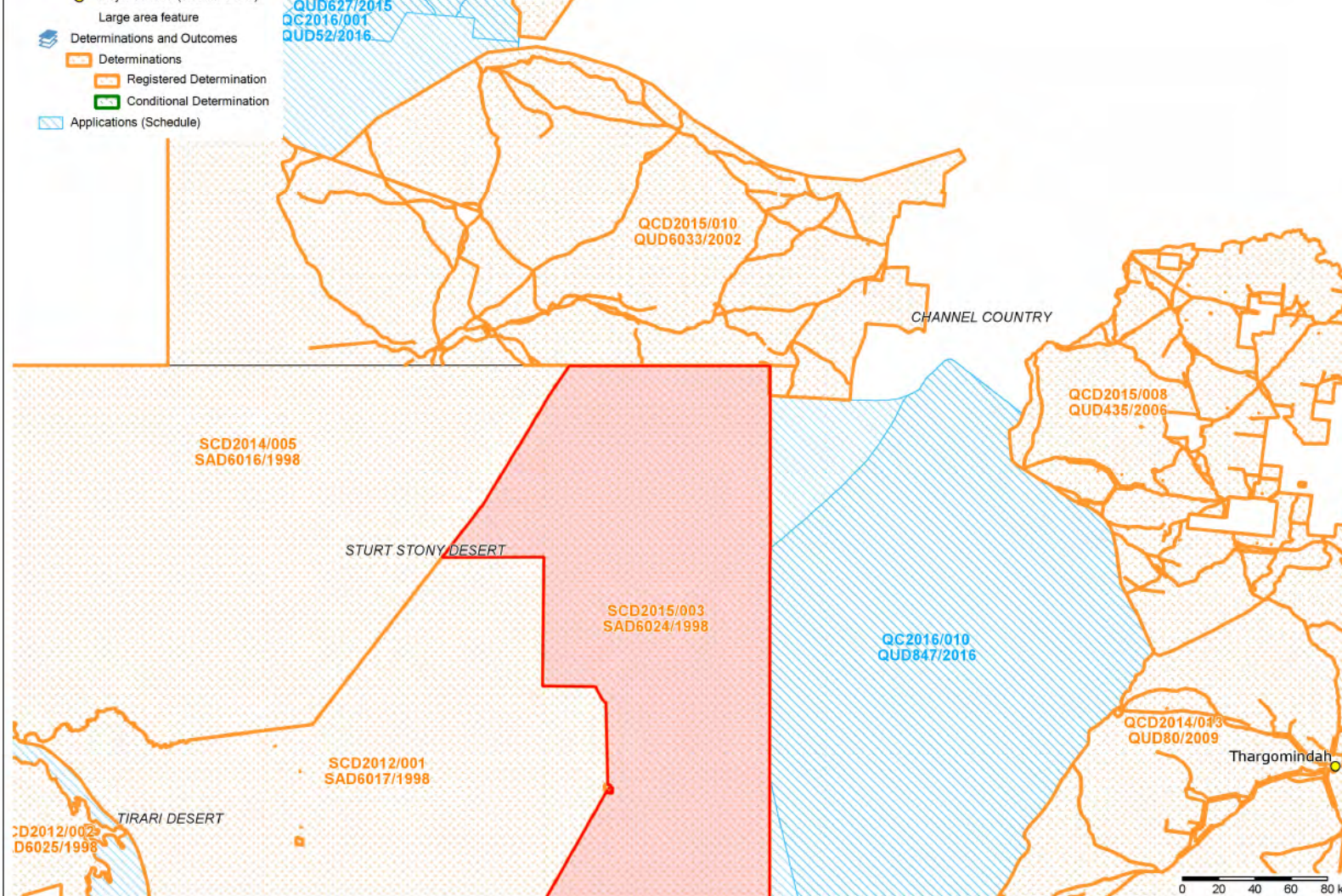
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Native TitleVision

Yandruwandha/Yawarrarrka determination area



Selection information

Determinations

Name Yandruwandha/Yawarrarrka Native Title Claim
 Tribunal No SCD2015/003
 Fed Court No SAD6024/1998
 Determined 16/12/2015
 Method Consent
 Outcome Native title exists in parts of the determination area

Date Registered 16/12/2015
 Area Sq Km 40245.5209
 Fed Court Name Yandruwandha/Yawarrarrka Native Title Claim and The State of South Australia & ors (Yandruwandha/Yawarrarrka)

Related NTDA SC1998/001
 Status In effect - Finalised
 Determination Document [AustLII](#)
 Register Extract [Register extract](#)

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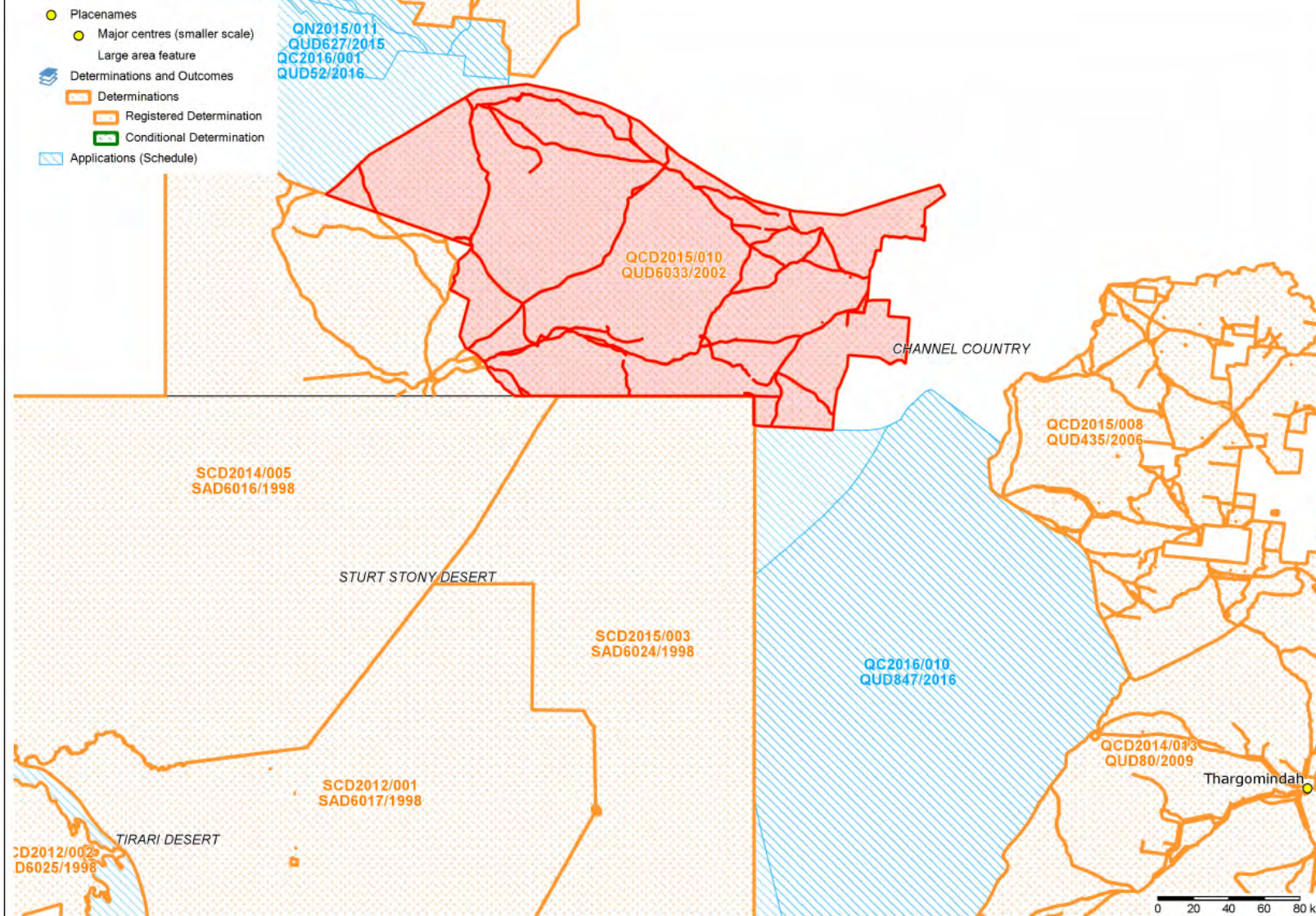
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Mithaka determination area



Selection information

Determinations

Name Mithaka People
Tribunal No QCD2015/010
Fed Court No QUD6033/2002
Determined 27/10/2015
Method Consent
Outcome Native title exists in the entire determination area

Date Registered 29/10/2015
Area Sq Km 33645.8706
Fed Court Name Gorrige on behalf of the Mithaka

People v State of Queensland

Related NTDA QC2002/035
Status In effect - Finalised

Determination [AustLII](#)

Document [Register extract](#)

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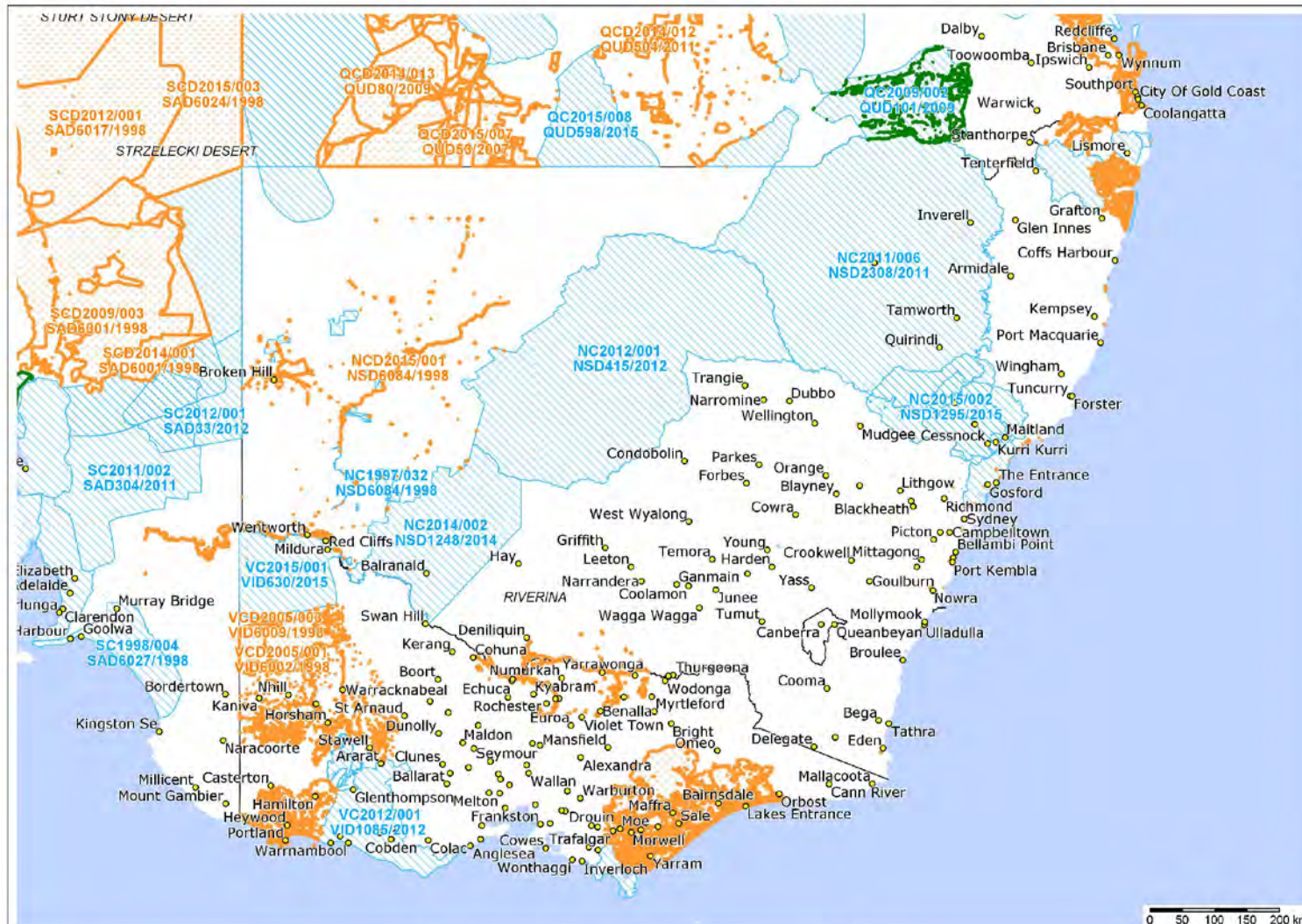
National Native Title Tribunal

Native TitleVision

NSW native title claims and determinations

Legend

- Cities
- Placenames
- Determinations and Outcomes
 - Determinations
 - Registered Determination
 - Conditional Determination
- Applications (Schedule)



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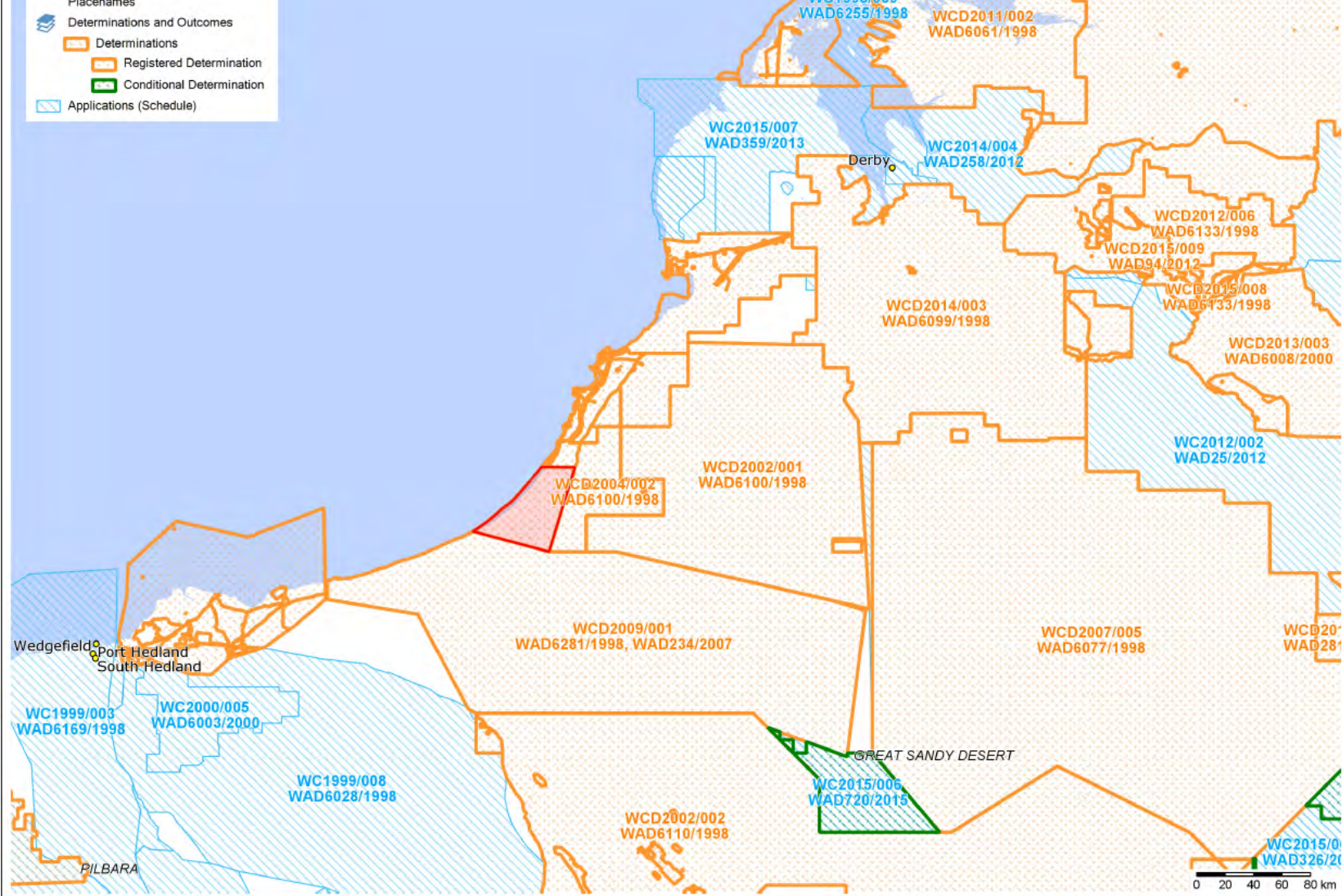
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Nyangumarta-Karajarri Overlap
determination area

Selection information

Determinations	
Name	Nyangumarta-Karajarri Overlap Proceeding (Yawinya)
Tribunal No	WCD2012/001
Fed Court No	WAD6281/1998, WAD280/2008
Determined	25/05/2012
Method	Consent
Outcome	Native title exists in parts of the determination area
Date Registered	30/05/2012
Area Sq Km	1994.5708
Fed Court Name	Hunter & Ors v State of Western Australia
Related NTDA	WC1998/065, WC2008/004
Status	In effect - Finalised
Determination Document	AustLII
Register Extract	Register extract



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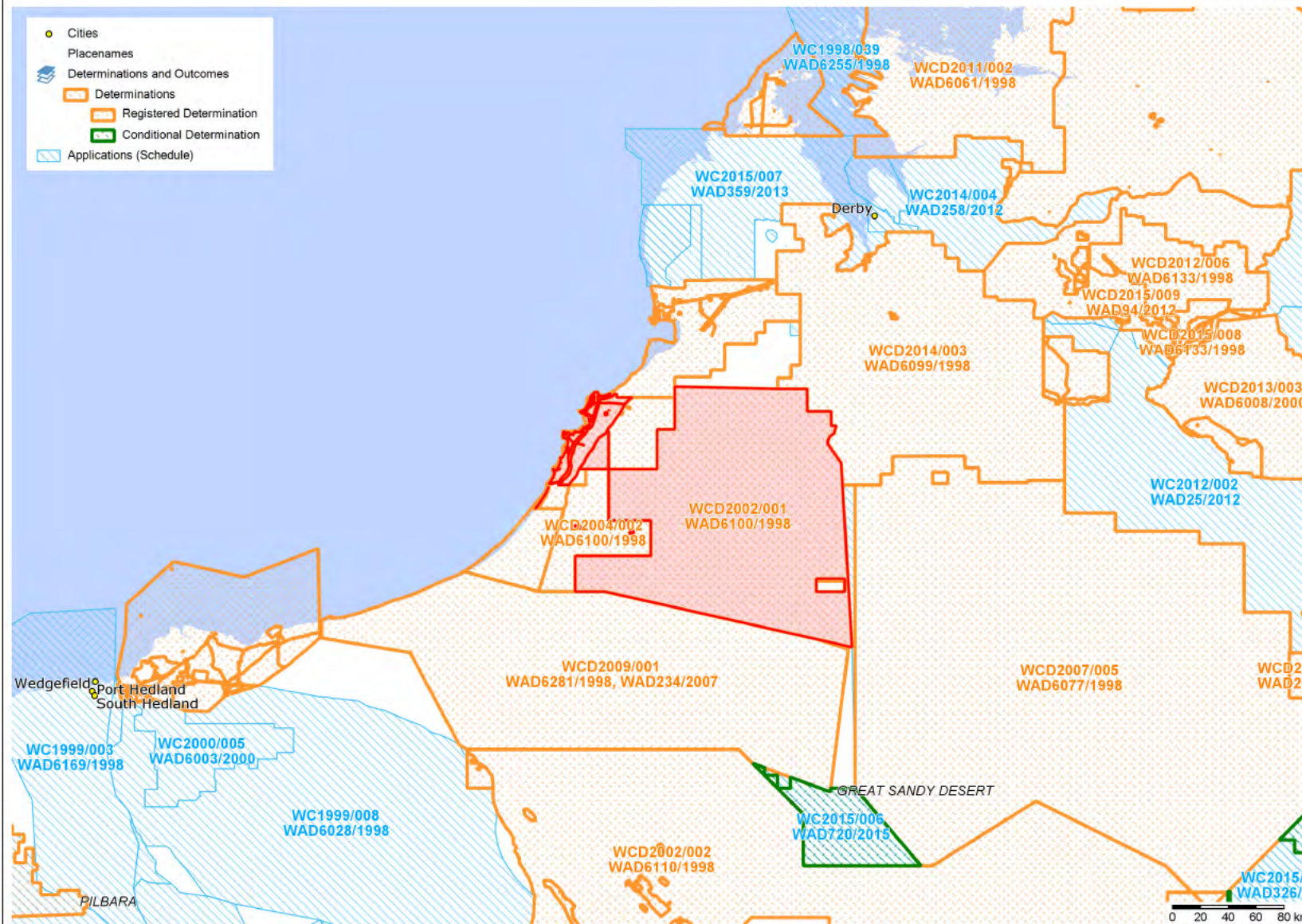
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Karajarri Part A determination
area

Selection information

Determinations

Name	Karajarri People (Area A)
Tribunal No	WCD2002/001
Fed Court No	WAD6100/1998
Determined	12/02/2002
Method	Consent
Outcome	Native title exists in the entire determination area
Date Registered	08/03/2002
Area Sq Km	24613.9231
Fed Court Name	John Dudu Nangkiriny & Others on behalf of the Karajarri People -v- The State of Western Australia & Others
Related NTDA	WC2000/002
Status	In effect - Finalised
Determination Document	AustLII
Register Extract	Register extract



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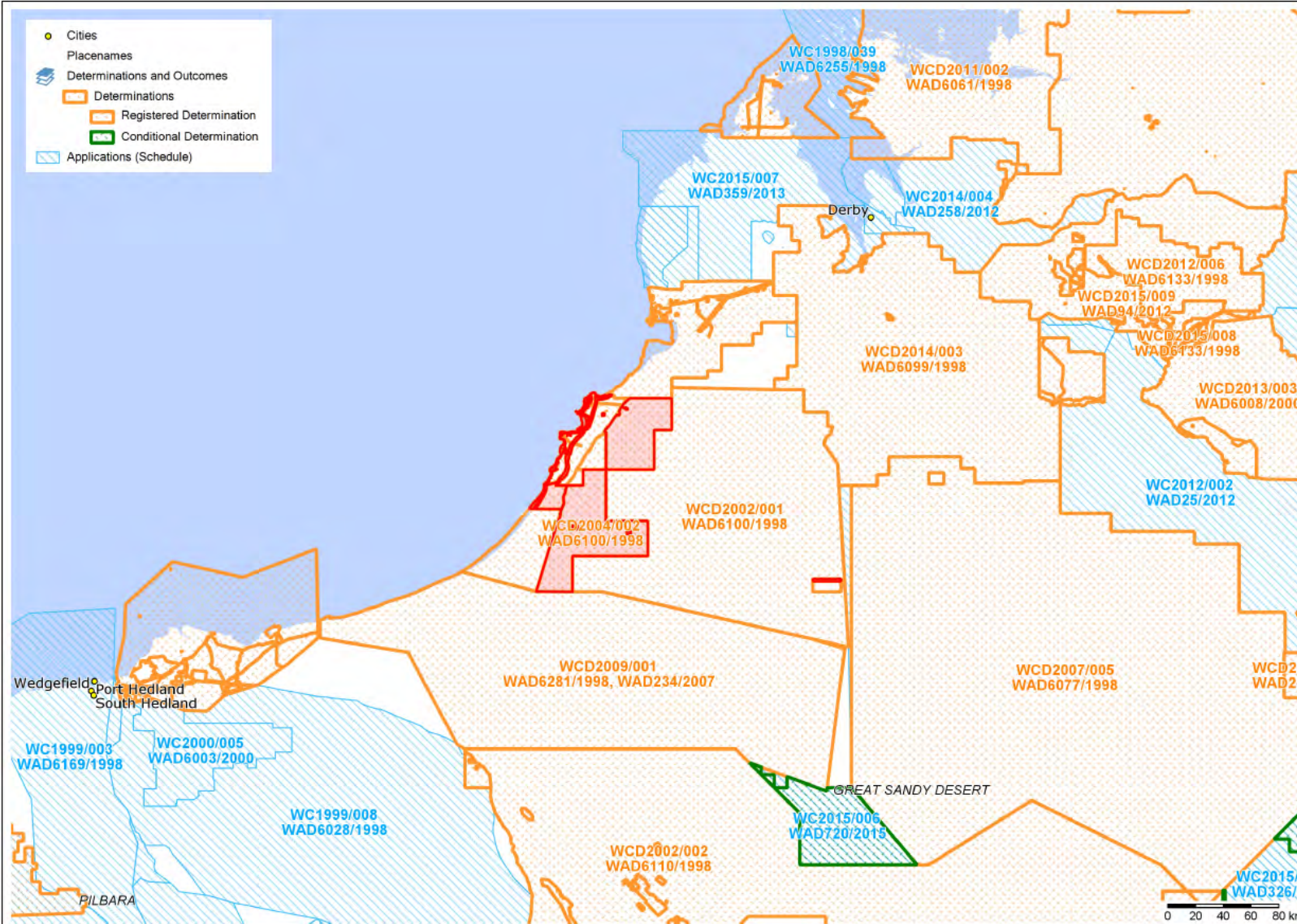
Native TitleVision

Karajarri Part B determination
area

Selection information

Determinations

Name	Karajarri People (Area B)
Tribunal No	WCD2004/002
Fed Court No	WAD6100/1998
Determined	08/09/2004
Method	Consent
Outcome	Native title exists in parts of the determination area
Date Registered	21/09/2004
Area Sq Km	5477.6781
Fed Court Name	Nangiriny v State of Western Australia
Related NTDA Status	WC2000/002 In effect - Finalised
Determination Document	AustLI
Register Extract	Register extract



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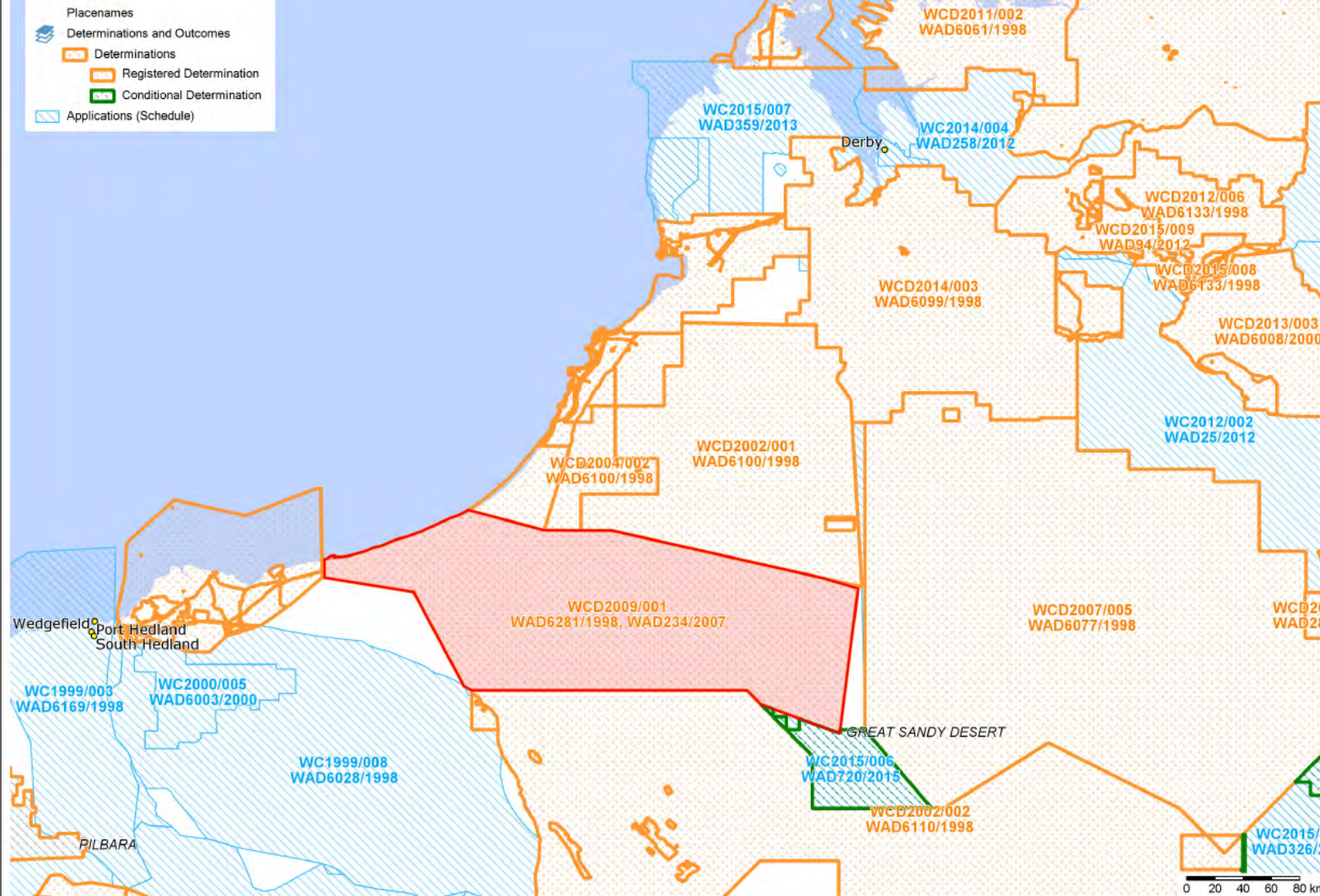
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Nyangumarta determination
area

Selection information

Determinations

Name	Nyangumarta People (Part A)
Tribunal No	WCD2009/001
Fed Court No	WAD6281/1998, WAD234/2007
Determined	11/06/2009
Method	Consent
Outcome	Native title exists in parts of the determination area
Date Registered	15/06/2009
Area Sq Km	31760.1033
Fed Court Name	Hunter v State of Western Australia
Related NTDA	WC1998/065, WC2007/002
Status	In effect - Finalised
Determination Document	AustLII
Register Extract	Register extract



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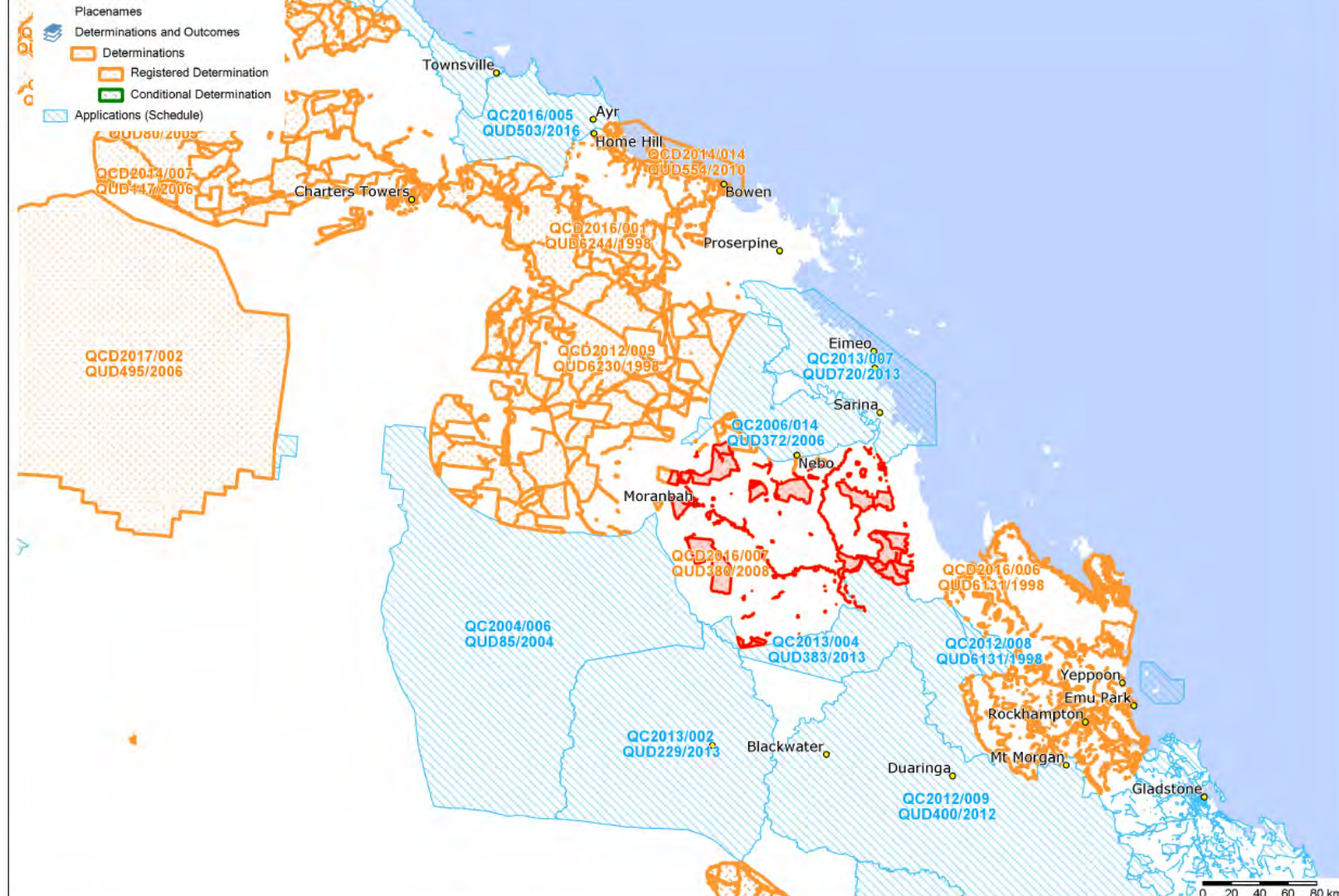
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Barada Barna determination area



Selection information

Determinations

Name	Barada Barna People
Tribunal No	QC2016/007
Fed Court No	QUD380/2008
Determined	29/06/2016
Method	Consent
Outcome	Native title exists in parts of the determination area
Date Registered	02/09/2016
Area Sq Km	2834.4382
Fed Court Name	Les Buddy And Cecil Brown Jnr & Ors On Behalf Of The Barada Barna People v State of Queensland
Related NTDA Status	QC2008/011 In effect - Finalised
Determination Document	AustLI
Register Extract	Register extract

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Barada Barna-Widi overlap
determination area

Selection information

Determinations

Name	Barada Barna People And Widi People Of The Nebo Estate #2 Shared- Country
Tribunal No	QC2016/009
Fed Court No	QU380/2008, QU492/2013
Determined	29/06/2016
Method	Consent
Outcome	Native title exists in parts of the determination area

Date Registered	02/09/2016
Area Sq Km	396.2016
Fed Court Name	Les Buddy And Cecil Brown Jnr & Ors On Behalf Of The Barada Barna People; and Eileen Beryl Pegler & Ors On Behalf Of The Widi People Of The Nebo Estate #2 v State of Queensland

Related NTDA
QC2008/011,
QC2013/006

Status
Determination
Document
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Widi #1 claim area

Selection information

Applications (Schedule)

Name	Widi People of the Nebo Estate #1
Tribunal No	QC2006/014
Fed Court No	QUD372/2006
Type	Claimant
Status	Active
Lodged	29/09/2006
Reg Test Status	Accepted for registration
Reg Test Decision	12/08/2014
Date Registered	27/08/2009
Representative	North Queensland Land Council Aboriginal Corporation
Combined Area Sq Km	N 5410.1140
Sea Claim	N
More Information	NNTT website



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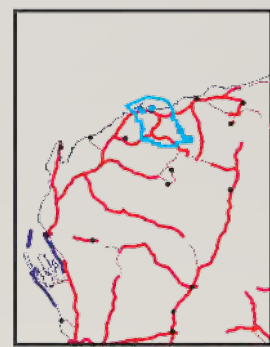
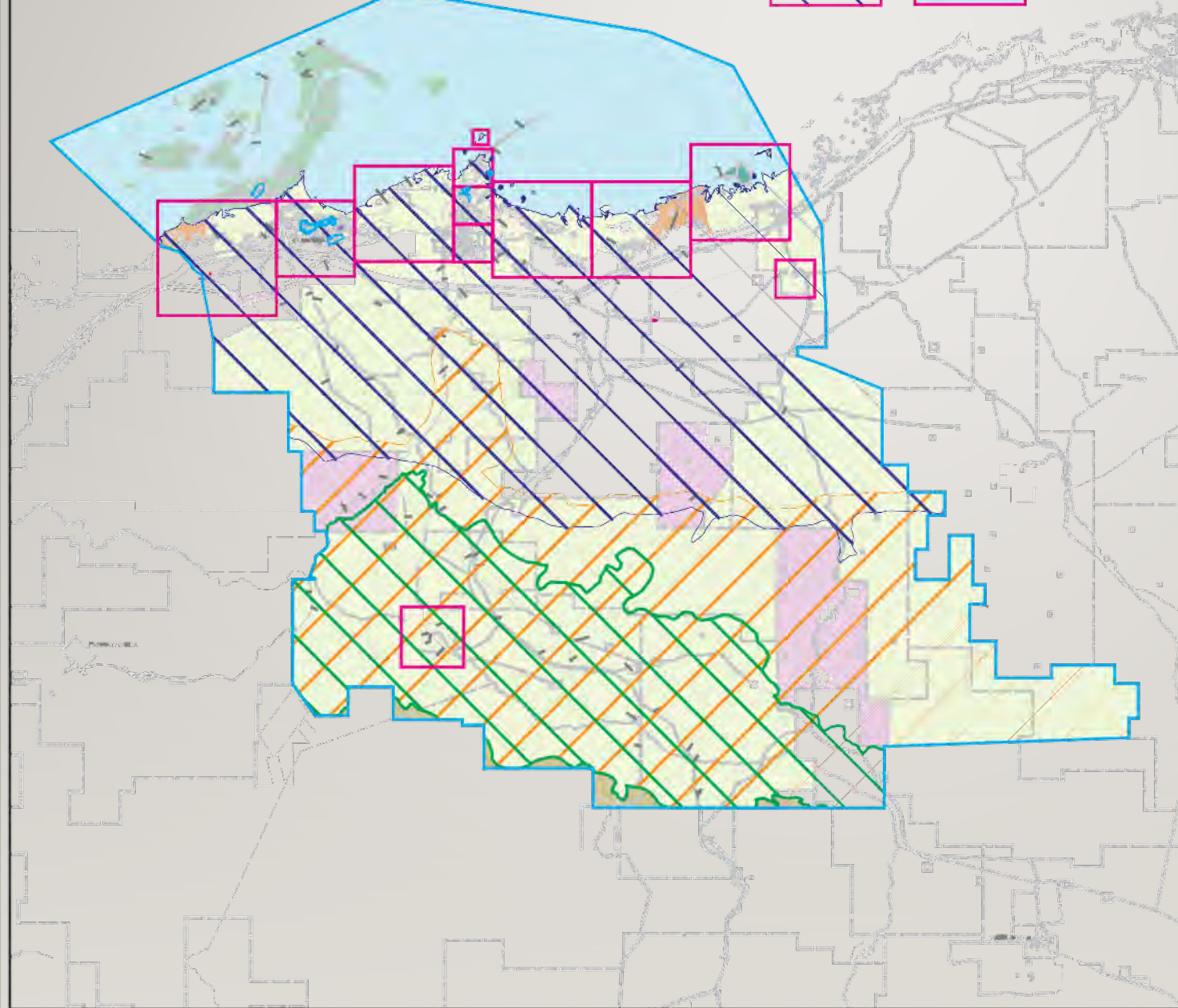
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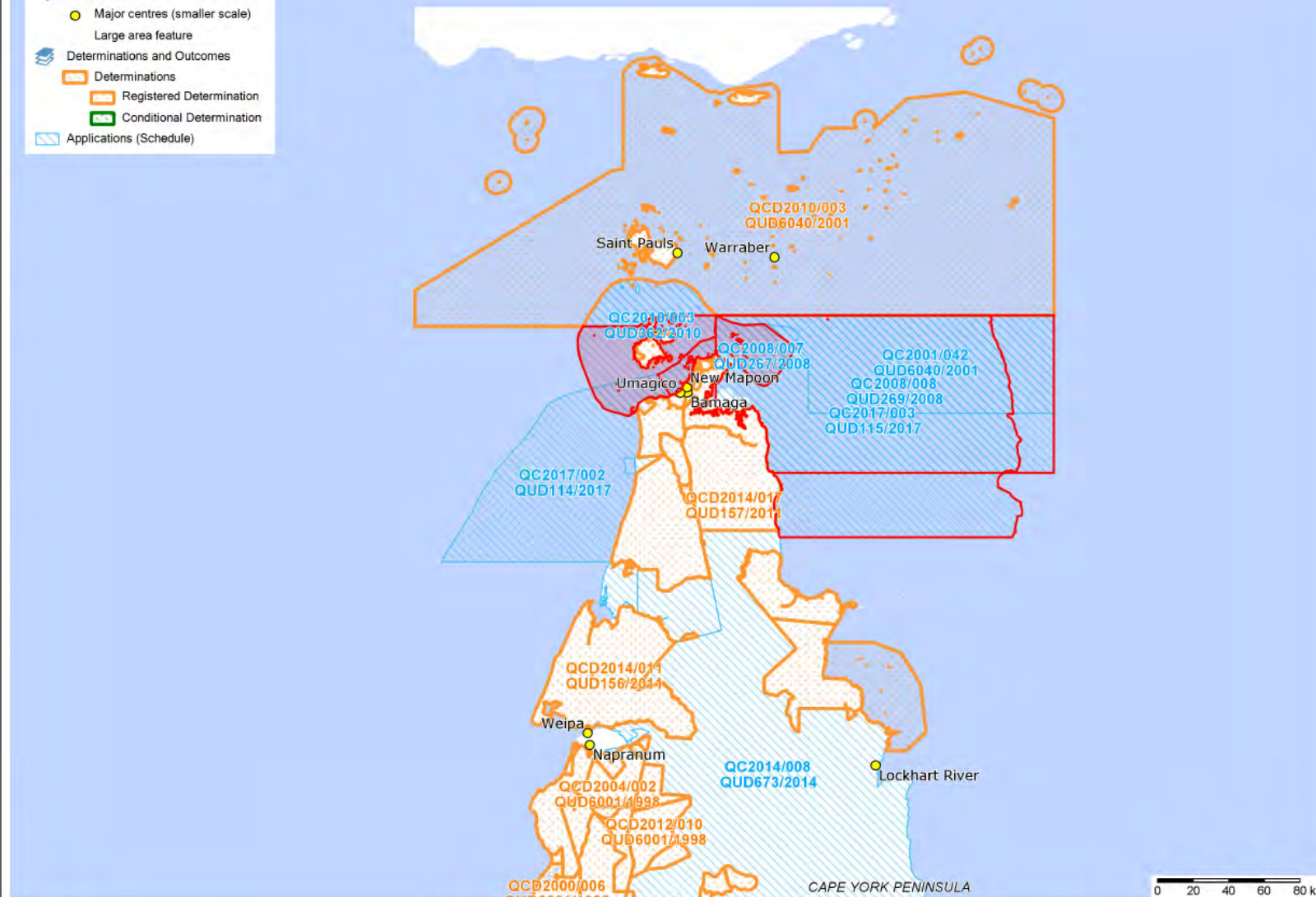
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Torres Strait overlapping claims and determinations

- Placenames
- Major centres (smaller scale)
- Large area feature
- Determinations and Outcomes
 - Determinations
 - Registered Determination
 - Conditional Determination
 - Applications (Schedule)



Selection information

Applications (Schedule)

Name	Kaurareg People #2
Tribunal No	QC2008/007
Fed Court No	QUD267/2008
Type	Claimant
Status	Active
Lodged	28/08/2008
Reg Test Status	Accepted for registration
Reg Test Decision	13/02/2009
Date Registered	13/02/2009
Representative	Marrawah Law Pty Ltd
Combined	N
Area Sq Km	3688.4262
Sea Claim	Y
More Information	NNTT website

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DELIGHTS OF WORKING IN THE FIELD

SNAKES

Baby snakes have been found **INSIDE** the hospital.

Please be vigilant.

