

Appendix 1
Native Title Determinations

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Between 1 July 2007 and 30 June 2008, ten determinations of native title were made by the court. Nine of these were made by consent, and one was litigated.¹

Short name, case name and citation	Area	Legal process and outcome	Time from filing to determination date	Mediation in the NNTT?	Determination date
Newcastle Waters – Murrinji Determination ² King v Northern Territory of Australia [2007] FCA 1498	Various sites in and around the Town of Newcastle Waters, Northern Territory	Litigated determination, native title exists in parts of the determination area	6 years, 9 months, 14 days	Not referred to mediation	26 September 2007
Birilburu People (Part A) Billy Patch & Others on behalf of the Birilburu People v State of Western Australia and Others [2008] FCA 944	Approximately 200km north east of the town of Wiluna, Western Australia	Consent determination, native title exists in the entire determination area.	FCA: 9 years, 8 months, 22 days NNTT: 9 years, 8 months, 23 days	Referred to mediation 18/7/00	20 June 2008

1 The information in this appendix is sourced from J Eaton, Native Title Registrar, Federal Court of Australia, Correspondence to T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission, 21 August 2008 and the National Native Title Tribunal, <http://www.nntt.gov.au/Applications-And-Determinations/Search-Determinations/Pages/Search.aspx> (viewed 9 October 2008).

2 This determination was made up of six related applications.

Short name, case name and citation	Area	Legal process and outcome	Time from filing to determination date	Mediation in the NNTT?	Determination date
<p>Ngaanyatjarra Lands (Part B) Stanley Mervyn, Adrian Young, and Livingston West and Ors, on behalf of the Peoples of the Ngaanyatjarra Lands v The State of Western Australia and Ors (unreported, FCA, 3 June 2008, French J)</p>	<p>Central Desert, Western Australia</p>	<p>Consent determination, native title exists in the entire determination area</p>	<p>4 years, 1 month, 12 days</p>	<p>Referred to mediation 5/7/07</p>	<p>3 June 2008</p>
<p>Ngadjon-ji People Ngadjon-ji People v State of Queensland [2007] FCA 1937</p>	<p>Specific lots near Malanda and Bartle Frere in Far North Queensland</p>	<p>Consent determination, native title exists in the entire determination area</p>	<p>8 years, 7 months, 15 days</p>	<p>Referred to mediation 29/3/01</p>	<p>28 May 2008</p>
<p>Eastern Kuku Yalanji People Walker on behalf of the Eastern Kuku Yalanji People v State of Queensland [2007] FCA 1907</p>	<p>East Cape York Peninsula, South of Cooktown, Queensland</p>	<p>Consent determination, native title exists in the entire determination area</p>	<p>FCA: 9 years, 2 months, 10 days NNTT 13 years, 3 days</p>	<p>This matter was in mediation when it came to the Court on 30/9/98</p>	<p>9 December 2007</p>

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Short name, case name and citation	Area	Legal process and outcome	Time from filing to determination date	Mediation in the NNTT?	Determination date
Githabul People Trevor Close on behalf of the Githabul People v Minister for Lands [2007] FCA 1847	Area of Crown land in north east of New South Wales around the town of Woodenbong	Consent determination, native title exists in the entire determination area	FCA: 9 years, 2 months NNTT: 12 years, 2 months, 25 days	Referred to mediation 16/8/00	29 November 2007
Ngururpa Payi Payi & Ors on behalf of the Ngururpa People and State of Western Australia [2007] FCA 2113	Great Sandy Desert, Western Australia	Consent determination, native title exists in the entire determination area	10 months, 11 days	By order of 3/5/07 the matter was referred to mediation upon completion of notification which was completed on 13/6/07	18 October 2007
Tennant Creek No. 2 Patta Warumungu People v Northern Territory of Australia [2007] FCA 1386	Tennant Creek Township and Region, Northern Territory	Consent determination, native title exists in parts of the determination area	1 year, 2 months, 24 days	Originally there were 3 Tennant Creek matters which were in mediation. The 3 matters were discontinued and a new application filed. The new matter went to consent determination without referral to mediation. It was as the result of an ILUA.	3 September 2007

Short name, case name and citation	Area	Legal process and outcome	Time from filing to determination date	Mediation in the NNTT?	Determination date
Strathgordon Claim Timothy James Malachi on behalf of the Strathgordon Mob v State of Queensland [2007] FCA 1084	Cape York Peninsula, Queensland	Consent determination, native title exists in the entire determination area	4 years, 1 month, 28 days	Referred to mediation on 18/5/04	26 July 2007
Ngurrara (unreported, FCA, 9 November 2008, Gilmour J)	Kimberley region, where the Kimberley and the Great Sandy Desert meet, Western Australia	Consent determination (determination takes effect on the determination of a PBC)	FCA: 9 years, 1 month, 11 days NNTT: 11 years, 7 months, 19 days	Referred to mediation on 23/4/01	9 November 2007