

Appendix 1:
Native title determinations

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Between 1 July 2008 and 30 June 2009, twelve determinations of native title were made by the Federal Court. Ten of these were made by consent, one was unopposed and one was litigated.¹

Short name, case name and citation	Area	Legal process and outcome	Time from filing to determination date	Length of time in NNTT mediation	Determination date
Eringa Part A Proceeding <i>Wangkanguru/Yarluyandi and Irwanyere Mt Dare Native Title Claim Groups v The State of South Australia</i> [2008] FCA 1370	Covers the area of the Wijjira National Park but excluding the area of the Irwanyere Mt Dare Claim.	Consent determination, native title exists in parts of the determination area.	12 years, 5 months, 30 days	10 years, 3 months	11 September 2008
Wangkanguru/Yarluyandi Part A Proceeding <i>Eringa, Eringa No.2, Wangkanguru/Yarluyandi and Irwanyere Mt Dare Native Title Claim Groups v The State of South Australia</i> [2008] FCA 1370	Covers the area of the Wijjira National Park but excluding the area of the Irwanyere Mt Dare Claim.	Consent determination, native title exists in parts of the determination area.	11 years, 22 days	9 years, 9 months	11 September 2008
Thalanyji <i>Leslie Hayes & Ors on behalf of the Thalanyji People v The State of Western Australia and Others</i> [2008] FCA 1487	Approximately 18 432 km ² of land and sea. Located in the Pilbara region of Western Australia in the vicinity of Onslow.	Consent determination, native title exists in parts of the determination area	12 years, 2 months, 22 days	8 years	18 September 2008

¹ The information in this Appendix is sourced from W Soden, Registrar/Chief Executive Officer, Federal Court of Australia, Correspondence to T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission, 20 July 2009; National Native Title Tribunal, <http://www.nntt.gov.au/Applications-And-Determinations/Search-Determinations/Pages/Search.aspx> (viewed 22 July 2009).

Short name, case name and citation	Area	Legal process and outcome	Time from filing to determination date	Length of time in NNTT mediation	Determination date
Adnyamathanha People No. 1 (Stage 1) <i>Adnyamathanha No. 1 Native Title Claim Group v The State of South Australia (No. 2)</i> [2009] FCA 359	Covers the area in and around the Flinders Ranges National Park.	Consent determination, native title exists in parts of the determination area.	14 years, 5 months, 25 days	12 years, 4 months	30 March 2009
Adnyamathanha People No. 1 (Angepena Pastoral Lease) <i>Adnyamathanha No. 1 Native Title Claim Group v The State of South Australia (No. 2)</i> [2009] FCA 359	Covers the area in and around the Flinders Ranges National Park.	Consent determination, native title exists in parts of the determination area.	14 years, 5 months, 25 days	12 years, 4 months	30 March 2009
Adnyamathanha People No. 2 <i>Adnyamathanha No. 1 Native Title Claim Group v The State of South Australia (No.2)</i> [2009] FCA 359	Covers the area in and around the Flinders Ranges National Park.	Consent determination, native title exists in parts of the determination area.	14 years, 2 months, 22 days	10 years, 3 months	30 March 2009
Nyangumarta People (Part A) <i>Hunter v State of Western Australia</i> [2009] FCA 654	Covers the area of 39 931 km ² in the northwest Pilbara and southwest Kimberley regions. It includes the coastal area along Eighty Mile Beach and the land which extends east into the Great Sandy Desert.	Consent determination, native title exists in parts of the determination area.	10 years, 9 months, 2 days	8 years, 11 months	11 June 2009

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Short name, case name and citation	Area	Legal process and outcome	Time from filing to determination date	Length of time in NNTT mediation	Determination date
<p>Worimi Local Aboriginal Land Council (Non-claimant application)</p> <p><i>Worimi Local Aboriginal Land Council v Minister for Lands for the State of New South Wales (No 2)</i> [2008] FCA 1929</p>	Covers the area at Boat Harbour in the Local Government Area of Port Stephens.	Litigated determination, native title does not exist.	3 years, 11 months, 12 days	2 months	18 December 2008
<p>Irwanwere Mt Dare Native Title Determination</p> <p><i>Eringa, Eringa No 2, Wangkanguru/Yarluyandi and Irwanwere Mt Dare Native Title Claim Groups v The State of South Australia</i> [2008] FCA 1370</p>	Covers the area of the Wijiira National Park.	Consent determination, native title exists in parts of the determination area.	3 years, 5 months, 13 days	3 years	11 September 2008
<p>Lardil, Yangkaal, Gangalidda & Kaiadilt Peoples</p> <p><i>Lardil, Yangkaal, Gangalidda & Kaiadilt Peoples v State of Queensland</i> [2008] FCA 1855</p>	Covers Welleseley, South Welleseley, Forsyth and Bountiful Island groups, around 400km north of Mt Isa.	Consent determination, native title exists in the entire determination area.	2 years, 10 months, 28 days	2 years, 1 month, 3 weeks	9 December 2008
<p>Eden Local Aboriginal Land Council (Non-claimant application)</p> <p><i>Eden Local Aboriginal Land Council v Minister for Lands</i> [2008] FCA 1934</p>	Covers the area around Eden in New South Wales.	Consent determination, native title does not exist.	1 year, 5 months, 16 days	Non-claimant application – no mediation	17 December 2008

Short name, case name and citation	Area	Legal process and outcome	Time from filing to determination date	Length of time in NNTT mediation	Determination date
Nambucca Heads Local Aboriginal Land Council (Non-claimant application) <i>Nambucca Heads Local Aboriginal Land Council v Minister for Lands</i> [2009] FCA 624	Covers an area from Mumbler Street and Belwood Road in Nambucca Heads, on the mid-north coast of New South Wales.	Unopposed determination, native title does not exist.	1 year, 5 months, 16 days	Non-claimant application – no mediation	10 June 2009

