

THE CENTRAL LAND COUNCIL NATIVE TITLE STRATEGIC PLAN 2004 – 2007

The key objectives of the CLC Native Title Strategic Plan are to:

- a) Pursue native title determinations that will achieve recognition and protection of native title rights and interests.
- b) Protect native title rights and interests by minimising the adverse impacts of future acts.
- c) Secure legal, social and economic beneficial outcomes for native title holders through negotiated Indigenous Land Use Agreements (ILUA) and other agreements including “good faith” agreements under s31 of the Native Title Act
- d) Ensure native title holders and claimants are provided with timely and accurate information about their native title rights and interests and the processes (both internal and external) engaged in to protect and secure those rights and interests
- e) Provide better practice, efficient and effective corporate governance and administration.

THE CLC'S NATIVE TITLE UNIT

The CLC established the Native Title Unit (NTU) as a distinct operational unit when first recognised as a native Title Representative Body (NTRB) in 1994.

Since then the NTU has continued to undertake NTRB functions as prescribed under the Native Title Act.

Since the original gazettal of the CLC as an NTRB, there have been 2 litigated Determinations of Native Title in its region and one Native Title Compensation Application.

First there was the successful finding of Native Title rights and interests within the township of

Alice Springs on behalf of Arrernte people (*Hayes v Northern Territory* [1999] FCA 1248).

This determination of Native title rights and interests within a town boundary was not appealed

Davenport Murchison proposed National Park

The second was the finding of Native Title over an area of land known as the Davenport – Murchison proposed National Park (*Alyawarr, Kaytetye, Warumungu, Wakay Native title Claim Group v Northern Territory* [2004] FCA 472) was appealed by the Respondent (Northern Territory Government) to the Full Federal Court (judgement delivered in favour of the Claimants on 29 July 2005) and the High Court where special leave to appeal was refused

Yulara Compensation Application

Judgement in the Yulara Compensation Application (*Johnny Jango v Northern Territory* [2006] FCA 318) was delivered on 31 March 2006.

In his reasons for Judgement the trial Judge found against the claimants.

The finding is now the subject of appeal to the Full Federal Court and is listed for hearing in November 2006.

Tennant Creek

Included in the 23 Native Title Claimant Applications filed in the Federal Court in the CLC's region of the Northern Territory there were four applications in respect of land within the boundaries of the township of Tennant Creek or abutting those boundaries.

Three of those applications were consolidated into a single application in 2005-06.

The CLC and the Northern Territory Government have agreed to explore the possibility of settling those claims by consent.

This would result in a Determina-

tion of Native title in favour of the Claimants and an offer of compensation for the extinguishment of Native Title rights in certain identified areas.

The CLC has provided the Northern Territory Government with an expert (anthropology) report which has been accepted by the NT Government, together with statements from claimants as to their observance and acknowledgement of the traditional laws and customs that connect them to the Application area and a draft Determination.

The Northern Territory Government is yet to respond.

In anticipation of achieving a consent determination of native title in the town of Tennant Creek, the Native Title Unit assisted the claimants in setting-up the Patta Aboriginal Corporation.

An Incorporation Certificate was issued by ORAC on 22 September 2005.

The Corporation has been structured to comply with the Native Title (Prescribed Bodies Corporate) Regulations 1993.

This early incorporation has been undertaken to encourage capacity building and the development of governance skills within the claimant group, particularly the Governing Committee.

This will enable the Prescribed Body Corporate to prepare for administering its responsibilities to the Native Title Holders of Tennant Creek once the Determination is registered, and into the future.

Since incorporation, Patta Aboriginal Corporation has been actively involved in negotiations with the Northern Territory Government towards reaching an Indigenous Land Use Agreement.

This ILUA will comprise a package of compensation measures for both past and future extinguishment of native title, providing cer-