

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
NATIONAL NATIVE TITLE TRIBUNAL

Question No. 66

Senator Barnett asked the following question at the hearing on 27 May 2008:

Native Title Applications:

- a) What is the date of the oldest Native Title application?
- b) What is the location of the oldest Native Title application?
- c) What is the likely prognosis of that claim?
- d) Has the claim been heard?
- e) How far through is the application process?

The answer to the honourable senator's question is as follows:

- a) QC94/3 (Wik and Wik Way Peoples) which was lodged on 24 March 1994.
- b) Queensland, on the western side of Cape York Peninsula, south of Weipa and north of Pormpuraaw.
- c) The claim covers pastoral lease land. A substantial area of the claim has already been finalised through determinations. The Wik application originally covered 27,430 square kilometres. Following the determinations and agreements outlined in (d) below, 5,186 square kilometres (about 20 percent) remains unresolved. Mediation of the remaining part of the claim by the Tribunal is at an advanced stage.
- d) The application commenced mediation with a plenary conference under s72 of the original *Native Title Act 1993* on 8 September 1994 and was the subject of the judgment of the High Court in *Wik Peoples v Queensland* handed down on 23 December 1996. Following that decision, a consent determination of native title was made over part of the area covered by the application on 3 October 2000. Two further consent determinations of native title were made over other parts of the area covered by the application on 13 October 2004. Those determinations were conditional upon the registration of a number of Indigenous Land Use Agreements (ILUAs) and the determinations took effect on 24 March 2005 following the registration of those ILUAs.

Parties to the claim since that time have concentrated their resources on an adjoining claim by the Wik People (Wik#2) which is in mediation and nearing a determination. It is expected that concluding the final part of the original Wik matter (QC94/3) will receive greater focus once Wik #2 is finalised.
- e) It is not possible to say how far the remaining part of the application is from being fully concluded. As noted in (d) above, significant agreements have been reached in relation to most of the area originally claimed.