

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

Question No. 29

Senator Barnett asked the following question at the hearing on 20 October 2008:

Provide the current status of the Wik and Wik Way Peoples QUD6001/98 (QC94/3) matter.

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

There are two applications by the Wik and Wik Way People. They are:

- the oldest matter and subject of this question on notice being the Wik and Wik Way Peoples QUD6001/98 (QC94/3) application ("Wik #1"); and
- the Wik and Wik Way People #2 QUD6029/01 (QC01/31) application ("Wik #2").

In summary, 80% (27,430 square kilometres) of Wik #1 has been determined in three partial consent determinations, leaving about 20% (5,186 square kilometres) comprising all or parts of five pastoral leases still to be determined. The three consent determinations were as follows:

- one part on 3 October 2000; and
- two further parts on 13 October 2004 (these came into effect on 24 March 2005).

Since 2005 the claimants have elected to concentrate most of their resources on progressing their second application, Wik #2.

Currently the legal representatives of parties to Wik #2 application are finalising and seeking formal approval of the terms of a consent determination and associated agreements are being finalised. It is expected that on 13 November 2008 the applicant will seek from the Federal Court a listing date for a consent determination for Wik #2. There has been some slippage in some of the current work plan actions for Wik #2 due to the applicant's legal representative having limited availability. It is expected that a consent determination in Wik #2 will take place in the early part of 2009.

The National Native Title Tribunal is preparing to resume mediation of the Wik #1 application as soon as the parties have available resources. The Tribunal expects that those resources will be available following the consent determination in Wik #2. It is therefore anticipated that mediation in relation to Wik #1, in particular involving the relevant pastoral respondent parties and the applicant, will commence by the end of March 2009.

In preparation for the resumption of mediation, on 23 September 2008 the Tribunal formally notified current interest holders who have not previously been notified of the Wik #1 application. This was necessary because various term leases which are covered by the remaining area of the Wik #1 application were purchased subsequent to the formal notification period. The Tribunal is also in the process of seeking advice from those respondent parties to Wik #1 who are understood to no longer hold an interest within the application area. The objective is to ensure that mediation is ready to commence with relevant parties as soon as the applicant's legal representative has the resources available to engage in mediation.