

Native Title, Resources & Associated Land Access

We all know what land is. Many of us have freehold land which allows us to use that land for any enterprise.

However, as common as freehold land is, it is the minority in Australia. In Australia a substantial amount of land is Crown land or pastoral lease.

In order to use this land, there are various legal obligations which cannot be ignored. Often the land will be subject to a native title claim, with a significant part of Australia now covered by native title claims and determinations. There may also be pastoral lease or environmental obligations which must be met before the land can be used.

Further, even on freehold land, there may be obligations to protect environmental interests, or Aboriginal heritage and general heritage. Failure to comply with these obligations can have significant legal consequences.

All of these issues can have significant impacts on industry, in particular the resources and energy industries. These issues are also of growing importance for all tiers of Government, including Local Government.

Our land access practice has expertise in all of these areas. Its relevant experience includes:

- Conducting native title negotiations for the resources industry, in a diverse range of locations throughout Australia – Such as Broome, the Eyre Peninsula and Broken Hill.
- Providing advice on native title matters to the State Government, Local Government, native title claimants, pastoral lease holders and mining industry participants.
- Providing advice to the State of South Australia in relation to proposed native title consent determinations for the Gawler Ranges, Arabunna and Tjajiwara/Unmurru native title claims.
- Representing Local Government in the Federal Court of Australia for the significant Kurna, Ngarrindjeri and Ramindjeri litigations, which covers all of the greater urban Adelaide area.
- Negotiating and implementing various native title agreements throughout Australia. Examples include agreements for the expansion of the Cultana Military training range and for the Olympic Dam mine, the latter of which is presently considered one of the largest native title resources agreements in Australia.



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- Successfully running, as instructing solicitor and counsel, the Supreme Court and High Court test case of *Starkey & Coulthard v South Australia*, which defined the operation of the Aboriginal Heritage Act 1988 (SA) in South Australia.
- Finalising significant land access arrangements between pastoralists and large ASX 200 miners and addressing significant matters to deal with native flora and fauna.

Our land access practice can help you with:

- Representation in the Federal Court of Australia for native title.
- Dealing with section 23 authorities to disturb Aboriginal Heritage.
- Conducting negotiations for Native Title Mining Agreements, or Indigenous Land Use Agreements.
- Representation in the Environment Resources and Development Court, for applications made under Part 9B of the Mining Act 1971 (SA).
- Representation in the National Native Title Tribunal.
- Finalisation of any matters to do with pastoral lease access or pastoral lease preservation.
- Providing advice in respect of any legal obligations for native flora or fauna or rehabilitation of land.
- Providing advice on native title extinguishment.

For further information or to discuss your individual requirements please contact us:

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