



Australia's First

native title compensation consent determination

By South Australian Native Title Services

Australia's first native title compensation consent determination was granted to the De Rose Hill native title holders in South Australia's far north earlier this month.

The hearing of the Federal Court was held at an important rock hole, Ilpalka, on De Rose Hill Station. Justice Mansfield said the Ngararitja people (native title holders) will be remembered for their native title battles. 'The name of the Ngararitja people will go down in Australian legal history for a number of reasons. First, because you brought one of the early claims for recognition of your native title rights over this country, and because you had the first hearing of such a claim in South Australia. Now, again, you are leading the charge. This is the first time an award of compensation for native title rights and interests which have been extinguished has been made' said Justice Mansfield. Karina Lester, De Rose Hill-Ilpalka Aboriginal Corporation chairperson said this is also a significant achievement for the State, who played a key role in this outcome and has worked closely with De Rose

Hill-Ilpalka Aboriginal Corporation through the entire process, 'We were in uncharted waters and we did not know how it would pan out, and this meant open communication between parties and of course overcoming the language barriers and we thank the State for its cooperation for what was at times a challenging process' said Ms Lester.

Peter De Rose of De Rose Hill Station said the compensation determination was a better experience compared to the group's fight for native title recognition which lasted ten years. The De Rose Hill native title holders were the first Aboriginal people in SA to have native title recognised after a trial and appeal process that began in 1996 and concluded in 2006. Mr De Rose said, 'Looking back on the journey for us to achieve native title, the claim took so long and it was often difficult, so the claim for compensation was a short time for us and we thank them [the State] for recognising our dreamtime stories and our spiritual connections to our land. I also thank family members and all those involved who have walked the road with me and are here today to celebrate this

outcome. I also acknowledge elders and those we have lost over the years and who cannot be with us today.'

In 2011, the De Rose Hill native title holders claimed compensation from the State Government because a portion of the Stuart Highway, a rest-stop next to the Stuart Highway and a freehold block of land extinguished their native title rights and had significant impact on sacred sites. In 2013, an agreement was reached between the State and the native title holders without the need for a trial.

The confidential agreement resolves all of the State's liability to the De Rose Hill native title holders up until the date of the determination, resulting in, amongst other things, a confidential monetary benefit to the native title holders. The compensation is to be paid to the De Rose Hill-Ilpalka Aboriginal Corporation which manages native title rights and other matters for De Rose Hill.

Top image: Karina Lester and Mary Tjarwara Anderson at the De Rose Hill Compensation Determination. Credit: South Australian Native Title Services