



Win brings happiness

FEW would disagree that native title claimants have to invest a lot of time and energy into the native title process to have their rights to their traditional lands recognised. Each claim is different, but in most cases it takes years of negotiations before a native title is settled – by agreement or in the courts.

“Is it worth it?” people often ask, particularly when they realise that native title is the recognition of traditional owners’ rights and interests under their traditional laws and customs and is not a grant of ownership of land.

Native title holders across Australia would answer this question differently, but for one group in particular their native title ‘win’, and the relief and happiness it brought, is still very fresh in their minds.

The Mandingalbay Yidinji people of far north Queensland had their native title rights recognised on April 24 over national park, reserve and forest areas about 23km south-east of Cairns.

The Federal Court of Australia made a consent determination that recognises their non-exclusive native title rights to parts of Giangurra Reserve, Malbon Thompson State Forest and Grey Peaks National Park. This enables them to access these areas to carry out their traditional activities, such as hunting,



fishing, gathering and performing ceremonies. In two areas on Trinity Inlet and one on Red Bank Creek they had their exclusive native title rights recognised, which means they can possess, use, and occupy these areas to the exclusion of others.

The determination finalises a claim they lodged with the Federal Court in 1999 and marks the first time they’ve had their rights to their traditional land recognised.

For the Mandingalbay Yidinji People, the determination opens up opportunities on their country. They can at last take part in looking after and managing their country and preserving endangered species, which is something they feel passionately about. Their traditional

knowledge will be a great benefit to the environment and the wider community.

The group has also expressed interest in becoming involved in tourism in the determined areas and would consider setting up tourism ventures further down the track, such as guided walks.

The Mandingalbay Yidinji People have established a firm basis for future co-operation about their aspirations as they achieved their recognition through reaching agreements with other groups who have interests in the area.

These groups include the Queensland Government, Cairns City Council, Ergon Energy and Telstra. They developed four Indigenous land use agreements that establish how they will exercise their rights and interests alongside one another.

Through this negotiation process the groups developed relationships that will lead to smooth co-operation about the use and management of these areas in the future.

The Mandingalbay Yidinji have two more native title claims under way and are hoping to settle these claims in agreement with other parties.

The time and effort they have put in to date has not deterred them from their goal, and having one determination behind them certainly gives them good reason to be positive.



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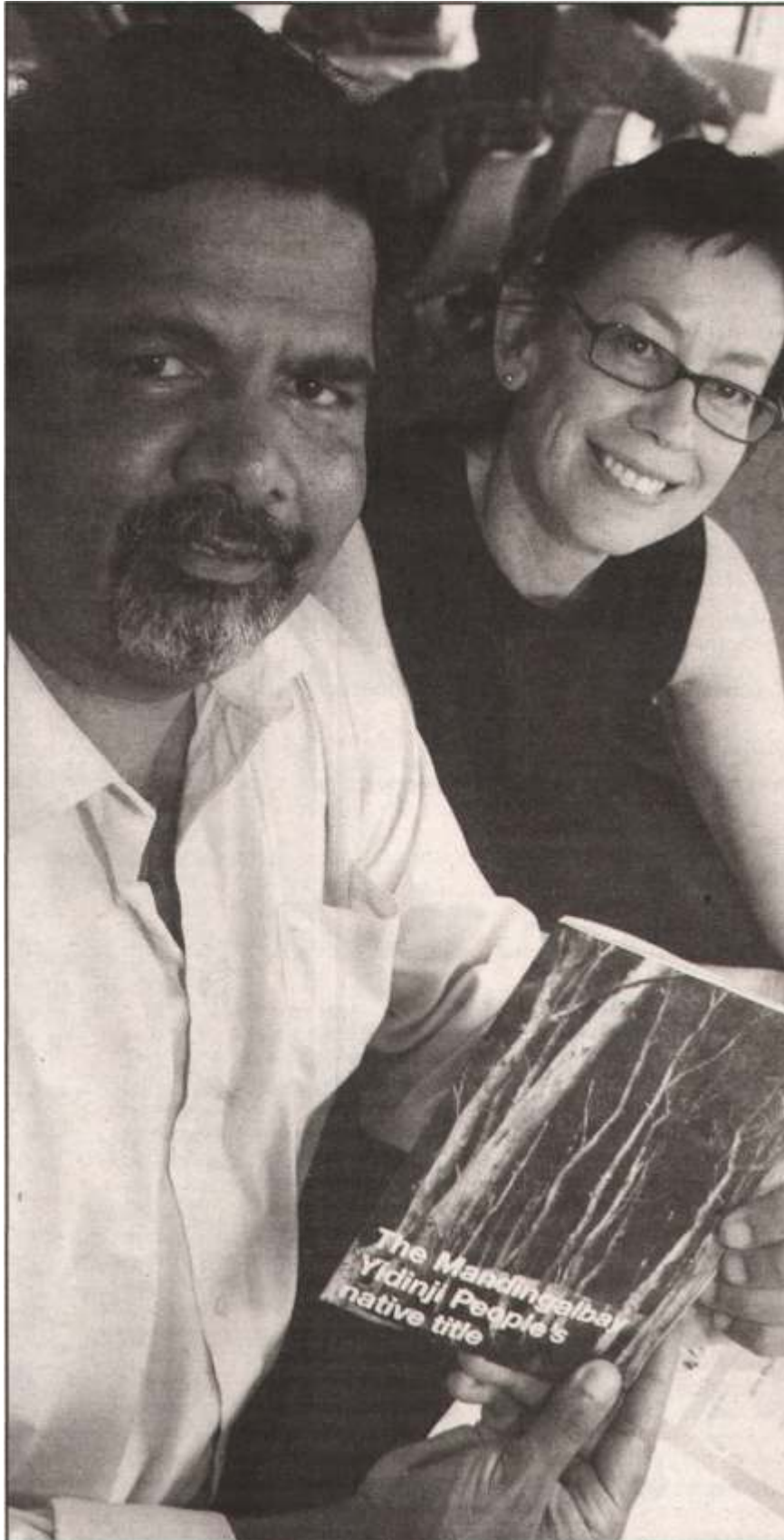
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NNTT Member Gaye Sculthorpe with Yarrabah mayor Vince Mundraby at the determination hearing held in north Queensland.