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Determination a first for a SA

IN the far north of South Australia, traditional owners of an expanse of isolated country known as the Witjira National Park last month celebrated their recognition as the park's native title holders.

This determination is the first that gives traditional owners native title rights over a South Australian national park.

In a hearing on 11 September at Dalhousie Springs, Federal Court Judge Justice Lander made the consent determination granting the Eringa and the Wangkangurru/Yarluyandi (W/Y) claim groups non-exclusive rights over the whole of the 7770-sq-km park. This included a commercial lease at Mt Dare, a former pastoral station.

The determination is the final step in a 12-year journey to legitimise the claims of the traditional owners and their deep connection to this country.

However, despite time it has taken to reach the determination, the process has realised much more than a native title determination.

By the time of the Federal Court hearing, the traditional owners' place in the park was already firmly established.

The SA State Government had proclaimed the Witjira National Park in 1985 to protect the natural environment, including the unusual mound springs, and named it using a local word for a paperbark tree found around the springs at Dalhousie.

In 1995 pastoral agreements, which had been in place since the 1870s, were replaced by new arrangements. The then

Native title & national parks

- Native title has been determined in 36 Australian national parks – this represents about 6.5 per cent of national parks area. There are 335 applications still to be determined over national parks.
- Daintree, Keep River, Barron Gorge, Kakadu, Arakwal and Rudall River are among other major Australian parks where the role of traditional owners has been recognised, either through native title determinations or by local management agreements such as Indigenous Land Use Agreements (ILUAs).
- National park partnerships with Aboriginal people recognise their role as primary custodians of the land while enabling them to protect precious ecosystems for future generations of all Australians to enjoy and respect.

This agreement, the first of its kind in a SA national park, was followed by the development of an Indigenous Land Use Agreement (ILUA), which was registered in March this year and included a comprehensive park co-management agreement. A draft management plan for the park has also been developed and will be released for public comment shortly.

The agreements and the draft management plan aim to ensure the park is managed in a way that respects contemporary and traditional culture, knowledge and skills.

Native Title and You



**By National
Native Title
Tribunal
Deputy
President
CHRIS
SUMNER**

Minister for the Environment and Natural Resources and the Irwanyere Aboriginal Corporation (who represented the claimant groups), signed a 99-year lease giving traditional owners involvement in park management and four positions on the park's seven-member board of management.

For traditional owners the native title determination is the icing on the cake after many years of hard work for their land.

Eringa group representative and co-chair of the Witjira National Park board Marilyn Ah Chee said the group had spent 10 years working towards the determination.

Witjira is the fourth SA national park to be co-managed according to an agreement between the DEH Minister and Aboriginal people – the others are the Mamungari Conservation Park, the Vulkathunha-Gammon Ranges National Park and the Ngautngaut Conservation Park. These are in line with State legislation introduced in 2004 to allow for such agreements.

For outback visitors, the recent determination will make little difference to their experiences at Witjira. But for claimants, the determination is a significant ending to years of negotiations and firmly cements their role in their country.