



More than symbolic

Native Title and You



By National Native Title Tribunal President GRAEME NEATE

AT a Negotiating Native Title Forum a few weeks ago, Federal Attorney-General Robert McClelland spoke of the symbolic and practical potential native title has for Indigenous Australians.

In recent years, the National Native Title Tribunal has seen social, psychological, cultural and economic benefits to Indigenous communities as a result of having their native title recognised.

Although the native title process is often long and difficult, and is sometimes disruptive to Indigenous communities (eg, because of disputed overlapping claims), the social and psychological benefits for Indigenous groups of being recognised as the people for a particular area by the Australian legal system can be significant.

Last November, the Ngurrara people of the southern Kimberley region had their native title recognised over 76,000 sq km of land.

Ngurrara native title holder Annette Kogolo said: "It meant so much after many years to prove to the Government we belong to the land and the land belongs to us."

Native title has also helped Indigenous groups renew relationships with each other by strengthening their cultural ties to areas of traditional land.

Ms Kogolo said recognition of the Ngurrara people's land in the Great Sandy Desert was so important because it protected what today's generation must pass on to their children and grandchildren in accordance with traditional laws and customs.

Although native title itself is not a 'title' and may not be an economically valuable commodity, significant economic benefits are being secured by some groups because of the native title system.

Where native title has been shown to exist, or people have a registered native title claim, the relevant Indigenous group acquires various procedural rights under the Native Title Act.

One benefit from these procedural rights can be the capacity to negotiate training, employment and business opportunities in relation to enterprises on particular areas of land, engagement in cultural heritage programs, and employment in national parks and other conservation areas.

The Bundjalung people of northern New South Wales were party to an Indigenous Land Use Agreement (ILUA) signed with the State Government in November 2001. The ILUA led to the creation of the Arakwal National Park at Byron Bay.

Bundjalung man Nigel Stewart has been employed as park ranger to protect places of cultural significance on his country.

"To have a job representing your people and looking after your country – who could ask for anything more?" he said.

The Federal Attorney-General also said in his speech that we must no longer expect our courts to resolve issues which should

be dealt with by negotiation rather than litigation in order to achieve these symbolic and practical native title benefits.

The Ngurrara consent determination and the ILUA signed by the Bundjalung people are examples of what can be achieved when people sit down together to negotiate native title agreements.



National Parks and Wildlife Rangers, John Hausia and Nigel Stewart at Cape Byron – Australia's most easterly point.



On the western side of the continent, Justice John Gilmour presents determination papers to Ngunnara native title holders in the Kimberley.