



Pastoral leaseholders Alan and Karen Pedersen with Western Yalanji man Des Brickey, Mr and Mrs Pedersen are the pastoral lease holders of Karma Waters, the property over which the Western Yalanji people were found to have some native title rights.

Picture: Anna Drabsch

**N**ATIVE title negotiations can lead to positive results for all parties – as the Western Yalanji people of far north Queensland have demonstrated twice in the past eight years.

These traditional owners made history in 1998 when they became the first group in Australia to have their native title rights and interests recognised by agreement over a pastoral property. The Federal Court of Australia made a consent determination, known as the Western (Sunset) Yalanji determination, recognising their non-exclusive native title rights over part of Karma Waters station, 120km north-west of Cairns and 70km west of Mt Carbine.

Last month, the Federal Court made a second consent determination that recognised the Western Yalanji people's non-exclusive native title rights over a further 200 sq km on the same pastoral property.

The native title rights include (among others) the right to hunt, fish, gather, conduct ceremonies, take and use natural resources for non-commercial purposes and maintain and protect sites of cultural significance.

In both cases the Western Yalanji People reached these outcomes by talking through the issues to reach agreements that recognised and respected their rights and interests.

The native title process is designed to give people with

## Native Title and You



**By National Native Title Tribunal Member RUTH WADE**

interests in an area under a native title claim the opportunity to do this.

During the process that led to the recent determination, the National Native Title Tribunal



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facilitated several mediation meetings at the parties' request to assist them to reach agreed outcomes.

The parties to the claim included the Queensland Government, pastoral leaseholders, Cook and Mareeba shire councils, small miners and the Queensland Lapidary and Allied Crafts Association.

As part of their negotiations, the Western Yalanji people reached agreements with parties which resulted in the registration of four Indigenous land use agreements (ILUAs).

The ILUAs set out how the groups will co-ordinate their rights on the ground. For example, if the Cook or Mareeba councils plan a development or want to build any

new roads in the area of the native title determination, a process has been put in place for the councils to obtain the consent of the Western Yalanji people.

These groups showed that by talking matters through it's possible to resolve native title and reach an outcome that everyone is satisfied with and that takes all parties' rights and interests into account.

As a result of their efforts to co-operate and come to an agreement the parties now have some certainty about their future and clarity about how their rights can co-exist.

The Western Yalanji people have another four native title claims under way.