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Wik ruling led to a new era

Native Title and You

By National Native Title Tribunal
President **GRAEME NEATE**

WITH the 10-year anniversary of the Wik decision rapidly approaching, I would like to reflect on how this historic decision has affected relationships between Indigenous communities and pastoralists.

The Wik and Wik Way peoples' claim in 1994 over a 17,700 square kilometre area on the west coast of Cape York Peninsula, in far north Queensland, raised the question of whether Australian law would recognise that native title could exist on pastoral leases.

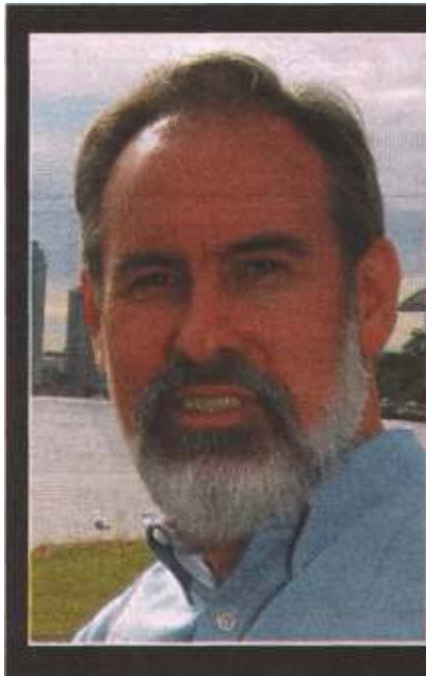
The case went to the High Court and, on 23 December 1996, the court decided that native title could co-exist on some types of pastoral leases.

The decision was a turning point for Indigenous communities because it meant that claimant groups may have a seat at the negotiating table with pastoralists, and others who used pastoral lease land.

Initially, many pastoralists were shocked at the High Court's decision and native title was seen as a threat.

But much has changed over the past decade. Many pastoralists involved in native title claims have come to realise that agreement-making is the best way forward, and that constructive relationships with native title claimant groups can be developed along the way.

Arrangements can be made so that



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**— NNTT President
Graeme Neate**

Indigenous groups can access the land to carry out their traditional activities, while pastoralists conduct their daily business.

So far 139 agreements dealing with pastoral issues have been made throughout Australia.

In 1998, the Western Yalanji people of far north Queensland became the first to have native title recognised by agreement over a pastoral property in Australia.

Their rights were recognised through a consent determination over part of a property north-west of Cairns. This year their native title rights were recognised by another consent determination over a further two parcels of land on the same property.

In 2000 a consent determination was made over the Wik and Wik Way peoples' claimed area in the Aurukun

Shire and a further two consent determinations were made in 2004 over other lands.

The most recent agreement took place in South Australia, in August. It was the State's first consent determination that native title exists.

The Yankunytjatjara and Antakarinja peoples and seven pastoralists agreed to share access and rights over 118,665 square kilometres of land south of the Northern Territory border.

These are just some of the determinations made by agreement between pastoralists and native title claimants since the Wik decision. They are an indication of how far pastoralists and Indigenous communities have come since the Wik decision in terms of building a firm basis of co-operation and understanding through negotiating native title issues.