



Yanunijarra Aboriginal Corporation

National Native Title Conference 2018 – Yi-Martuwarra Ngurrara Journey





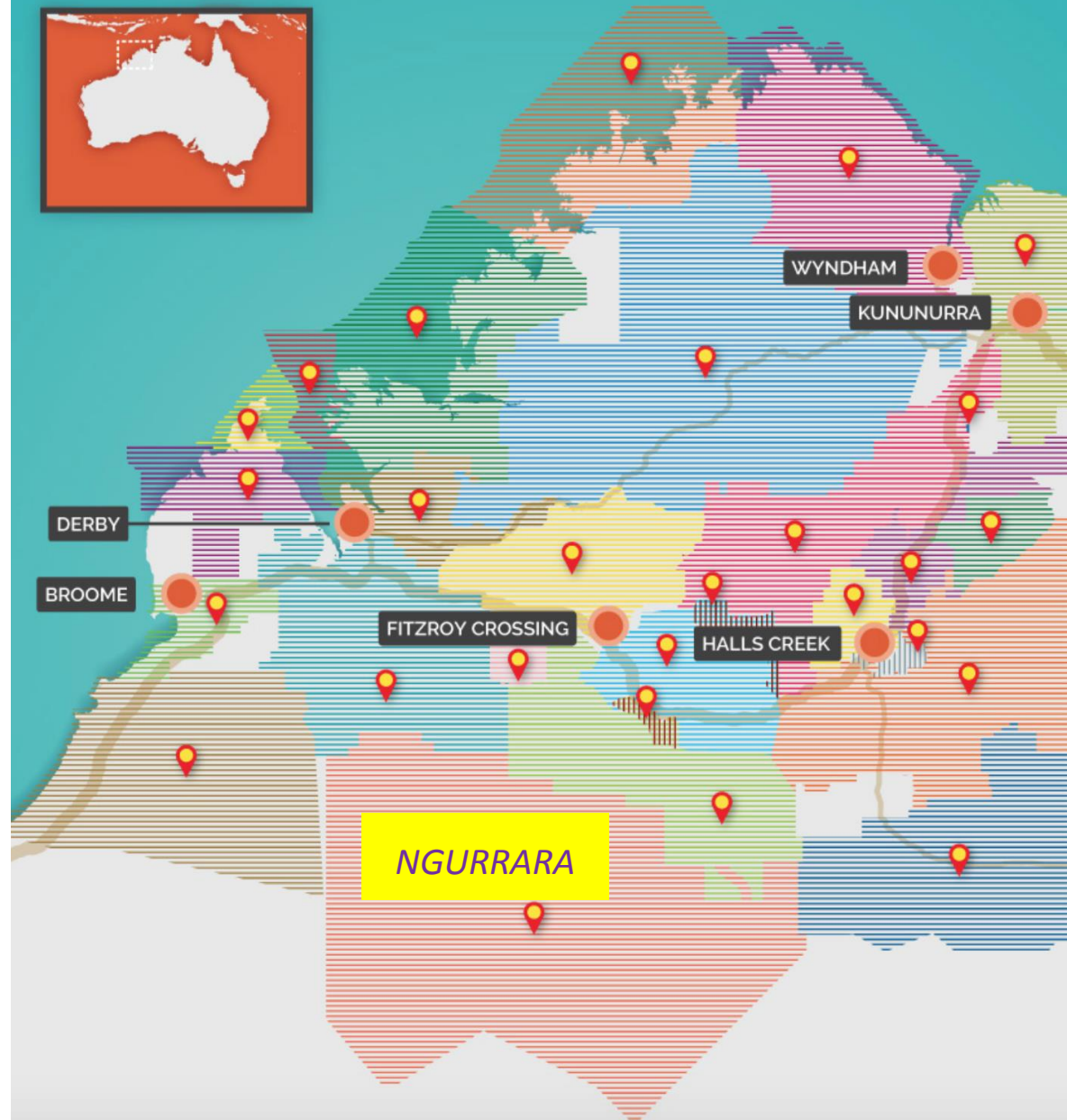
*Yanunijarra Aboriginal Corporation
Prescribed Body Corporate manages:*



The Nurrara Rangers



*Warlu Jilajaa Jumu
Indigenous Protected Area*



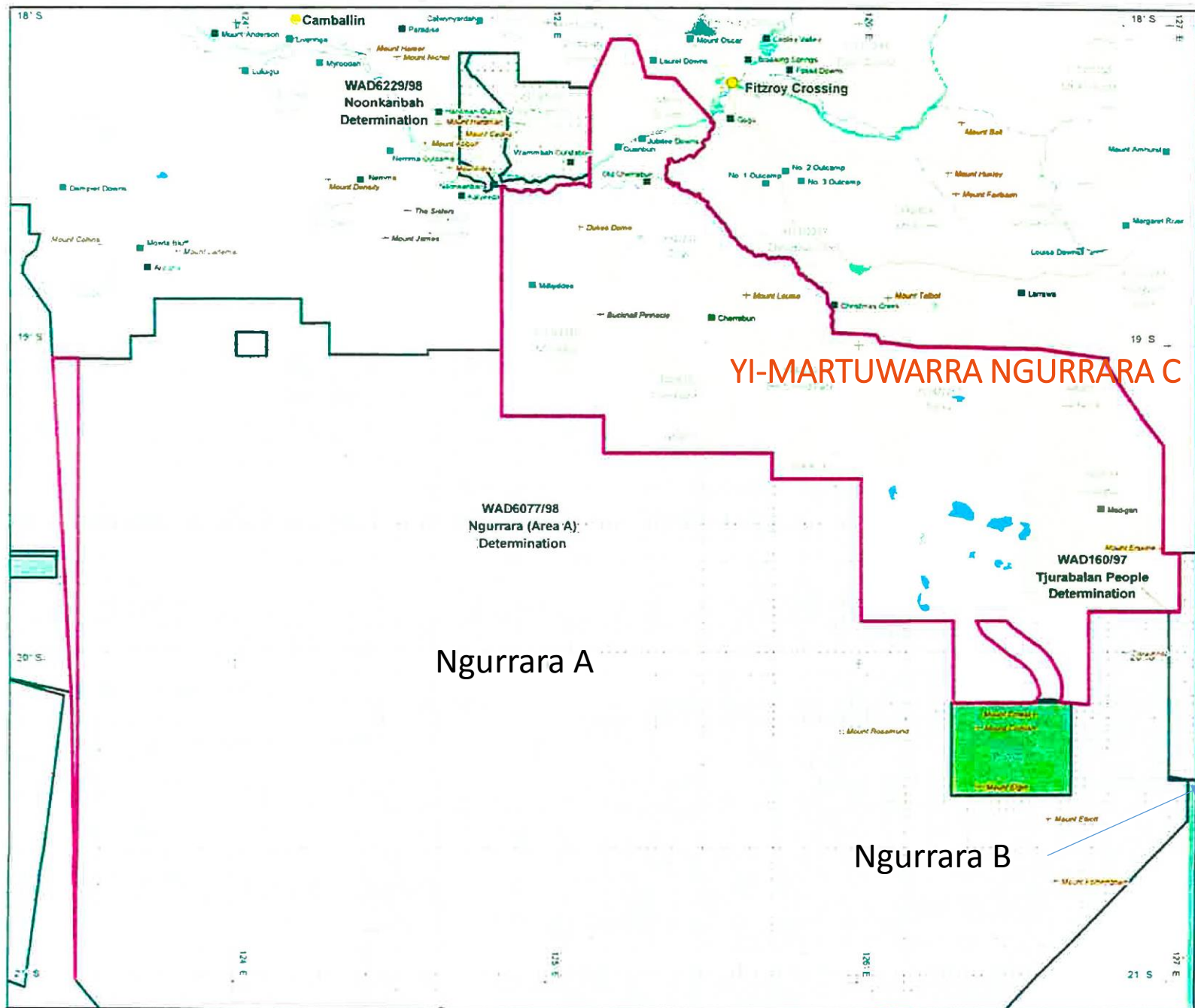
JOURNEY TO NATIVE TITLE – NGURRARA A, B AND C



- The great Ngurrara Canvas – a collaborative work, mapping our jila and jumu in the desert
- In 2007, Justice Gilmour travelled to Pirnini, near Kurtal in the Great Sandy Desert, to deliver the court's determination over Ngurrara A
- Ngurrara A became our baseline – a position of strength from which we could continue the fight for our country
- In 2012, native title was granted to Ngurrara B

Kurinjinpyi Ivan McPhee (Ngurrara Traditional Owner Leader), whose mother Lucy Cubby painted on the canvas, outlined his understanding of what was required of the claimants: **‘Under this native title we have to prove three things I was told. One of it is our culture, our law, our traditional law and [two] where we come from, and who we are [three] where we walked on the land’ (KLC & Mangkaja Arts 1997, tape 17).**





Yi-Martuwarra Ngurrara

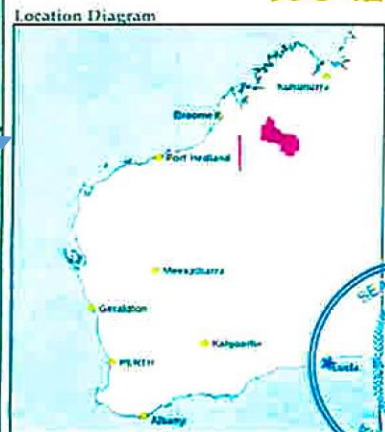
Yi-Martuwarra Ngurrara
 Determination of Native Title

NonFreehold Land Tenure
 (Freehold land is uncoloured)

- Aboriginal Freehold
- Convertible Lease
- Marine Reserve Park
- Other Lease
- Pastoral Lease
- Reserve Park
- Unallocated Land

NOTE: To determine areas subject to claim within the external boundary, reference to the application description is necessary.
 Map created by: Geospatial Services
 National Native Title Tribunal (14/11/2011)
 Application boundary data compiled by NNTT or sourced from Landgate (WA)
 Topographic vector data is © Commonwealth of Australia (Geoscience Australia) 2003
 Non Freehold data sourced from Landgate, WA (Aug 2011)
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JOURNEY TO NATIVE TITLE – YI-MARTUWARRA NGURRARA



THE DETERMINATION AREA

- The determination covers all or part of a number of pastoral stations, including Christmas Creek, Yougawalla, Larawa, Bulka, Beefwood Park, Cherrabun, Gogo, Jubilee Downs, Quanbun and Millijidee
- It also covers areas of unallocated Crown land which adjoins the Ngunnara native title areas, where native title was recognised by the Federal Court in 2007(Ngunnara A) and 2012 (Ngunnara B reserve area on Parts of the Canning Stock Route).



A CHALLENGING PROCESS – THE ILUA



- The State was adamant that an ILUA between Traditional Owners and pastoralists needed to be agreed upon BEFORE native title was granted to Yi-Martuwarra Ngurrara
- This set up an uneven power balance between claimants and the pastoralists, as the state was backing the pastoralists
- One of the positives of engaging with the pastoralists to determine the terms of the ILUA, was that both sides got to explain their position to the other.



A CHALLENGING PROCESS – THE ILUA



- Access to land was really important to us for fishing, hunting and ceremonies
- We've been able to negotiate a non-binding access principles
- We've strengthened our relationship with the pastoralists to work together for the same outcomes and sharing of recourses.



A CHALLENGING PROCESS - THE STATE GOVERNMENT BACKFLIP



A CHALLENGING PROCESS – THE BACKFLIP

- The McGowan government refused to honour parts(Ngurrara D) of the determination that were agreed to in November 2017(Determination at Ngurtawarta Community via Fitzroy Crossing was handed down).
- Areas of country that had been agreed to be recognised by all parties as exclusive possession native title were changed at the last minute by the State to non-exclusive possession, significantly reducing the rights of Traditional Owners
- This is due to the Federal Court handing down a decision that changed the way the law operated on Crown land
- So the state didn't want to recognise exclusive possession – even though they had reached an agreement with Traditional Owners



WHAT DOES THIS MEAN FOR US?



- The remaining areas (Ngurrara D) will have to go through another court process, an enormous waste of time, money and resources.
- The State has acknowledged that further court processes will only get parties back to the point that had already been agreed to AND that the areas will ultimately be recognised as exclusive possession native title
- Traditional Owners have spent years negotiating the terms of the determination, only to see it changed and disrespected at the last moment.



“Can I say that in making these orders this Court does not give you native title. Rather, the Court determines that native title already exists. It determines that this is your land. That it is based upon your traditional laws and customs and it always has been. The law says to all the people in Australia that this is your land and that it always has been your land “ (Gilmour 2007).





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THANK YOU !

