

# Historic handover of Native Title

by Chibo Mertineit

It was hard to find a parking spot on 19th December at the stadium of the Goonellabah Sports and Aquatic Centre.

The Federal Court was to be convened there to determine the Native Title claim over public land and waters in the Northern Rivers around Lismore for the Widjabul Wia-bal mob of the Bundjalung Nation, the traditional owners of these lands.

In June 2013 the first claim was made for 1559 square kilometres, which spans six local government areas: Lismore, Ballina, Byron, Kyogle, Tweed and the Richmond Valley.

Gilbert Laurie was outside the building preparing the smoking ceremony and educating and entertaining us, while we waited for the court to arrive.

After the smoking ritual, we went inside where the Welcome to Country was followed by around 23 young Indigenous girls and boys performing different traditional dances.

To achieve Native Title rights, the Widjabul Wia-bal claimants had to present evidence to the State Government and the Court that they



Photos: Chibo Mertineit



have a continuous and unbroken connection to their country since colonisation.

The Native Title gives the Widjabul Wia-bal people limited rights to practise cultural activities on publicly owned land, but not on private land. Here are just some of them:

- The right to access and move about, to camp and erect temporary shelters, but not permanently camp and occupy.
- The right to access and use natural water resources, fish and hunt, but not for commercial purposes.
- The right to gather, share and

exchange natural resources for non-commercial purposes.

- The right to conduct and participate in ceremonial, ritual and spiritual activities, hold meetings and transmit traditional knowledge to members of the native title group.
- The right to maintain and protect places of importance under traditional laws and customs.

The Native Title determination area is bounded by Bagotville, Tuckean Nature Reserve and Tucki Tucki in the south, Bungabee State Forest and Cawongla to the west, Nightcap National Park in the north and

Wollongbar and Alstonville in the east.

As part of the settlement, the Federal Court of Australia recognised that the Widjabul Wia-bal people hold native title over approximately 11,700 hectares around the Lismore area.

It includes as well an agreement to disregard historical extinguishment of Native Title claims in National Parks within the claim area, paving the way for future recognition over 2,600 hectares in national parks.

Attorney General Mark Speakman appeared in the court as NSW's first law officer, and proceeded to say that the Widjabul Wia-bal people

have cared for the land and water for thousands of years. The NSW Government provides a capacity-building support program through the Indigenous Land Use Agreement.

As Nicole Roberts reminded all with tears, her father, Murray John Roberts who died in May 2022 was a driving force for the Native Title claim. She said, "My father loved this country, culture and people... (it is) what drove his passion for many years to finally get to that point in native title ownership, of recognition."

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Happy New Year!

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Authorised by D. Hayden, for the Greens NSW, 19a/1 Morden Place Camperdown NSW 2050.

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