



## Kimberley Land Council

**MEDIA RELEASE**

**March 12, 2018**

### **Yi-Martuwarra Ngurrara native title handed down in central Kimberley**

The Ngurrara people have today been recognised as the native title holders of approximately 20,000 square kilometres of land and water in the central Kimberley.

The consent determination held at Ngurtuwarda Community outside of Fitzroy Crossing applies to part of the Yi-Martuwarra Ngurrara claim which was first lodged in 2012.

Today's determination was handed down by Justice Bromberg of the Federal Court of Australia, and recognises both exclusive and non-exclusive native title rights and interests.

The determination covers part or all of a number of pastoral stations, including Christmas Creek, Yougawalla, Larawa, Bulka, Beefwood Park, Cherrabun, Gogo, Jubilee Downs, Quanbun and Millijidee, as well as significant areas of unallocated Crown land which adjoins the already determined Ngurrara native title areas, where native title was recognised by the Federal Court in 2007 and 2012.

Traditional Owner and Named Applicant for the Yi-Martuwarra Ngurrara claim Harry Yungabun said he felt relieved to finally see native title recognised on his country.

"Native title is really important for recognition for old people but especially our young people, the future generation, so they can understand the land, the country, the people and the culture," Mr Yungabun said.

"I feel relieved that after all this time we've finally done it, we've gotten native title."

Kimberley Land Council Acting Chief Executive Officer Tyronne Garstone congratulated the Ngurrara people on the significant occasion.

"Getting native title is one of the most arduous processes Aboriginal people can go through, but today the Ngurrara people have seen the outcome of their patience and hard work," Mr Garstone said.

"The determination recognises the ongoing and unbroken connection that the Ngurrara people have to their country, giving them rights and a real say as to what happens to and on their land.

"The sense of pride that people receive from this recognition of their rights is profound. I congratulate and honour the Ngurrara people on this meaningful day."

However, Mr Garstone said the joy of the occasion would be tarnished by a last minute State Government backflip changing the terms of the native title determination.

“At the eleventh hour the McGowan Government has decided not to honour parts of the consent determination that were agreed to in November 2017,” he said.

“The decision has resulted in areas of country that had been agreed to be recognised by all parties as exclusive possession native title being changed unilaterally by the State to non-exclusive possession, significantly reducing the rights of Traditional Owners.

“This means only part of the claim has been determined today and the remaining areas will go through yet another court process – a waste of time, money and resources.

“This is an incredible move by the McGowan Government given the fiscal difficulties faced by the state of Western Australia and will only serve to further draw out native title claims in the future.”

Mr Garstone said most frustrating is the fact is that the State acknowledges that further court processes will only get all parties back to the point that had already been agreed – that the areas not included in today’s determination will ultimately be recognised as exclusive possession native title.

“The decision comes at a significant cost to Traditional Owners who have already spent years negotiating the terms of the determination, only to see it changed and disrespected at the last moment,” he said.

“Tragically, along the way members of the Ngurrara community have passed away. It is a sad but almost certain inevitability that more people will be lost in the time it takes to bring this claim to completion.”

The Kimberley Land Council is the legal representative for the Yi-Martuwarra Ngurrara claim and will continue to work with the group to progress the remaining portion of the claim.