



Kimberley Land Council

MEDIA RELEASE

19 December, 2019

TRADITIONAL OWNERS WELCOME NATIVE TITLE DETERMINATION OVER JOINT CLAIM AREA

The Federal Court of Australia determined that exclusive possession native title exists in the entirety of a joint claim made over an area of unallocated Crown land in the Kimberley this morning.

The claim was listed for a determination before Justice Banks-Smith in the Federal Court of Australia, which for the first time will acknowledge native title rights and interests of Yawuru, Nyikina and Karajarri Traditional Owners over the Birriman-gan native title claim area.

In total, the claim covers an area of more than 2,193km² in an area south of Broome, Western Australia.

Yawuru Traditional Owner Dianne Appleby said the determination would allow for shared leadership and collaboration between the three native title groups.

“Shared country has always been with us. Lines are visible to create a map and perform a boundary to enclose one’s status or an estate,” said Ms Appleby.

“Birriman-gan engages and empowers three language groups to have a strong support and leadership in caring for country.”

Nyikina Traditional Owner Deborah Shadforth said the determination is an important step toward being able to utilise the shared country in a positive way, and to secure it for young people and future generations.

“It’s a really good thing to be part of a shared group and that this determination recognises shared country. It will be good to have the rights to our country so we can use it for ceremonies and gatherings, for future generations and to honour our ancestors,” said Ms Shadforth.

“It will be a very emotional day thinking of my elders and ancestors. I hope it gives strength to our young ones and paves the way for them.”

Karajarri Traditional Owner Mervyn Mulardy said that collaboration between the groups and the shared journey is important.

“My two fathers said we needed to talk to the Yawuru and Nyikina people because they knew that we had a connection, and why we had a connection. We each have very important cultural ties to this country. We don’t have borders, our stories about country overlap each other and are shared,” Mr Mulardy.

“I feel for my old people and what they’ve fought for and the stories they’ve kept about country. This is for our future, for our kids to know where they come from, what connection they have to country and where the yatangal places are.”

“It’s been a long time coming, it will be an emotional day. I remember my old people talking about the area. The proper traditional way is to talk to our neighbours, share this journey together, working together and sharing country.”

Kimberley Land Council Deputy Chief Executive Officer Tyronne Garstone congratulated the Yawuru, Nyikina and Karajarri people on their significant occasion.

“I congratulate and honour Yawuru, Nyikina and Karajarri people on this important day and acknowledge it will be an emotional day for Traditional Owners,” said Mr Garstone.

“For these three groups to come together, acknowledge their shared interests in this country and gain a successful native title consent determination is powerful.”

The Birriman-gan native title claim was filed in late 2018 following consultations with Traditional Owners over a period of several years, and an authorisation meeting in 2018.

In early 2019, the State of Western Australia and Birriman-gan claimants entered into negotiations for a consent determination over the entirety of the Birriman-gan claim area, which also included an area formerly subject to the Karajarri Yanja native title claim.

These negotiations have resulted in the determination, which will recognise exclusive possession native title across the entirety of the claim area.