

Western Bundjalung native title determination

On 29 August 2017, the Federal Court made a determination that the Western Bundjalung people have native title rights and interests over areas of land and water in the far north coast.

These native title rights are 'non-exclusive', which means the native title holders do not own the land, rather they have the right to use the land. However, this right exists alongside the rights of the community to access and enjoy the land and the rights of government to effectively protect and manage the land. Non-exclusive native title rights typically include: the right to access the land; camp on the land; hunt and fish on the land; and carry out ceremonies on the land.

Where do the native title rights of the Western Bundjalung People apply?

The map in Figure 1 shows the Western Bundjalung native title claim area, which covers 5,773 km² and extends from (but does not include) Casino to the east to Tenterfield in the west, extending from just north of Grafton; up to (but not including) Tooloom in the north. The claim area in the north-west extends to the Queensland border at around the location of the Bald Rock National Park.

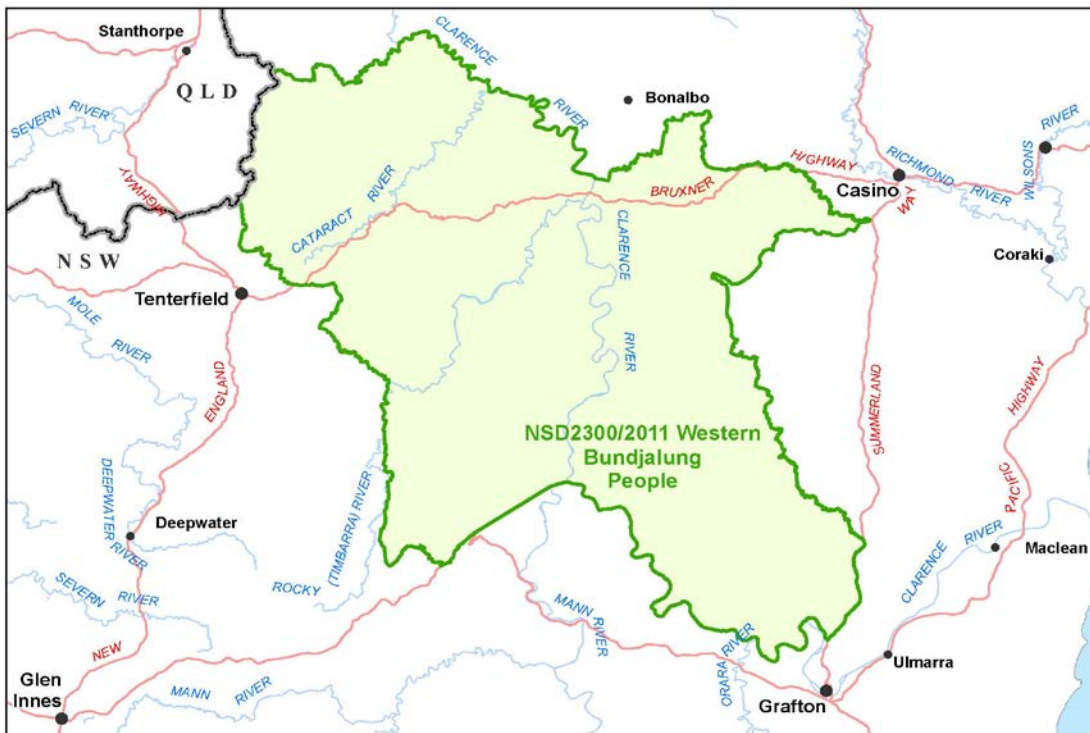


Figure 1. The green area shows the Western Bundjalung native title consent determination area.

Within this area are national parks, state forests, Crown lands and Crown waterways.

Only a specified number of parcels of land within national parks, state forests, Crown land and some Crown waterways will have native title extinguished.

The Federal Court has determined where native title exists and where it has been extinguished.

Who are the native title holders?

Native title is held by the Western Bundjalung People and either their direct biological descendants, or people who are adopted or incorporated into the families who identify as, and are accepted as, Western Bundjalung People in accordance with their traditional laws and customs.

What kind of activities can the native title holders undertake on Crown land?

The Western Bundjalung People can use the consent determination area where non-exclusive native title is recognised to:

- camp and erect temporary shelters on the land
- take and use water for personal, domestic, communal purposes (including cultural purposes)
- hunt, fish, gather and use traditional natural resources
- light fires for domestic purposes
- engage in cultural activities.

Will these activities affect the rights of the public or licence holders?

The Western Bundjalung People have had non-exclusive native title rights recognised, which means that as the native title holders they have the right to use the land, but cannot do so at the exclusion of others. This means that the public will still be able to access and use the national parks, state forests and Crown lands.

Existing interests that may apply to the land such as leases, licences and permits granted or issued under the *Crown Lands Act 1989* will continue to be in effect. While these activities and interests are in existence, they prevail over, but do not extinguish, native title rights and interests.

Why was an indigenous land use agreement negotiated between the NSW Government and the Western Bundjalung People?

The indigenous land use agreement provides the practical detail of how native title rights over lands and waters will coexist with the rights and interests of other people.

More information

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