

Yaegl People native title consent determination

On 31 August 2017, the Federal Court made a determination that the Yaegl People have native title rights and interests over areas of sea in the far north coast. A previous native title consent determination for the Yaegl People was made in 25 June 2015 over a different area that included land and water. This fact sheet is specific to the 31 August 2017 consent determination.

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 Yaegl People apply?

The native title consent determination made on 31 August 2017 means that the Yaegl People and the NSW Government reached an agreement with the Federal Court to recognise that non-exclusive native title rights and interests are held over waters located between Woody Head, Woolli and Ulmarra on the north coast of NSW.

Native title rights and interests have been recognised in land and waters between the mean high-water mark to a point 200 metres east of the mean low-water mark. This area includes the intertidal zone from Woody Head in the north to Woolli in the south.

A more limited set of native title rights and interests have been recognised in the vicinity of the Dirrangun, a reef with particular cultural significance to the Yaegl People.

Who are the native title holders?

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



Figure 1. The green area on the map shows only the area for the 31 August native title consent determination over sea for the Yaegl People.

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

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

- access, to remain on and to traverse the area
- access resources in the areas and to take, use, share, offer and exchange resources, including traditional trade, in the area for non-commercial purposes
- maintain and protect places, objects and areas of importance or significance under traditional laws and customs in the area
- be accompanied in the area by persons who, though not native title holders, are:
 - spouses, partners or parents of native title holders, together with their children and grandchildren
 - people required under traditional laws and customs for the performance of cultural activities, practices or ceremonies
 - people requested by the native title holders to assist in, observe or record cultural activities, practices or ceremonies

In the vicinity of the Dirrangun, the same native title rights have been recognised, other than the right to access resources and to take, to use, to share, to offer and exchange resources for non-commercial purposes.

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

The native title rights between the Yaegl People and the NSW Government are non-exclusive, which means native title holders do not own the land; rather they have rights that co-exist with the NSW Government's rights and must be respected.

Current lawful users of the area, such as reserve managers, holders of fishing licences and members of the public, will continue to enjoy the same rights in the area. These existing interests will co-exist with native title rights and interests.

The NSW Government will still be able to grant interests to third parties in the determination area in accordance with the *Native Title Act 1993*.

The public will continue to access and use public lands and waters in the native title determination area.

More information

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