



National
Native Title
Tribunal



Members of the Githabul People (left to right): Issac Monsell, James Williams and Trevor Ord.

Githabul People's native title determination

North-eastern New South Wales
29 November 2007

Resolution of native title issues over land and waters.

The Githabul People's rights

On 29 November 2007 the Federal Court of Australia made a consent determination recognising the Githabul People's native title rights and interests over 1120 sq km in nine national parks and 13 state forests in northern New South Wales.*

The consent determination is an important turning point because it recognises the Githabul People's native title rights under Australian law for the first time.

The Federal Court recognised the Githabul People's non-exclusive rights to:

- access the determination area for spiritual purposes

- and to access sites of spiritual significance
- access and camp in the determination area
- fish, hunt and gather animals and plants for personal, domestic or non-commercial communal needs
- take and use water for personal, domestic or non-commercial communal needs
- lawfully protect places of importance to the Githabul People in the determination area.

These areas will continue to be shared by all those with an interest in the area, including members of the public.

* See page four map for details of parks and forests.

What the consent determination means

The consent determination is recognition that the Githabul People's native title has always existed, and continues to exist, under their traditional laws and customs.

A native title determination is a decision by the Federal Court of Australia that native title does or does not exist over an area of land or water. If the parties to a native title claim reach agreement, and the Federal Court endorses the agreement, it is called a consent determination.

Agreement related to the determination

The Githabul People's consent determination followed the signing of an indigenous land use agreement (ILUA) between the Githabul People, the Githabul Nation Aboriginal Corporation and the NSW Government in 2007.

ILUAs are agreements about the use and management of land and waters made between one or more Indigenous groups and other people.

The Githabul ILUA is a voluntary agreement that applies to the whole of the determination area and some additional areas. The ILUA sets out:

- the Githabul People will be involved in consultation and management of 11 national parks and reserves

- through a management committee and the employment of at least four Githabul People
- the Githabul People will be consulted over the management of 13 state forests
- certain areas that are culturally significant to the Githabul People, including Tooloom Falls, will be protected
- 102 ha of Crown lands will be transferred in freehold to the Githabul Nation Aboriginal Corporation
- native title rights, such as hunting in the national parks and state forests, will be exercised in accordance with certain agreed restrictions
- there is agreement that native title is extinguished or surrendered over certain areas.



Githabul applicant Trevor Close with family members.

"It [the determination] gives the United Githabul Tribal Nation recognition, not only by the Federal Court, but by the NSW Government. This is one thing that the old people always dreamt of - to be recognised by this State Government. The reason why we lodged the claim was to give hope and inspiration to other tribal groups across the Commonwealth. Even though it took 15 years, it was worth it - we have given hope to other tribes."

Trevor Close, Githabul Applicant

"It [the determination] acknowledges that we are the traditional owners of that land. It brings credibility of who we are and that we were the first people there. It's a proud moment and the children are really proud to be acknowledged too." **Christine Charles, Member of the Githabul People**

"An Aboriginal tribe is getting recognised world-wide and it's my mother's side of the family - Githabul. Everyone is so pleased about it - I just feel so proud to be Aboriginal." **Paulene Houston (Monsell), Member of the Githabul People**

Stepping stones

5 September 1995

The Githabul People lodged their native title claim over 140,600 hectares in the Kyogle, Woodenbong and Tenterfield areas in north-east New South Wales and in Queensland, south of Rathdowney.

September 1997

Groups and individuals with interests in the claimed area who became parties to the claim met at a plenary meeting at Tooloom Falls for the start of Tribunal mediation.

2002-2003

Parties filed evidence in the Federal Court, including the Githabul People's connection material and State's tenure material.

February 2006

The NSW Government was satisfied with the Githabul People's evidence of connection to the claimed area and agreed to negotiate with the group to settle the NSW part of the claim by agreement, and to seek a consent determination in the Federal Court.

May 2006 to February 2007

The Tribunal facilitated negotiations about the agreement and consent determination with other respondent parties and interest holders in the NSW part of the claim.

February 2007

The Githabul People and the NSW Government reached an indigenous land use agreement (ILUA), which was a key step towards the consent determination.

April 2007

The Githabul withdraw the part of their claim covering areas in Queensland.

15 August 2007

The National Native Title Tribunal registered the ILUA, thereby finalising the legally binding agreement. Upon registration the parties sought a consent determination in the Federal Court.

29 November 2007

The Federal Court made the consent determination at a hearing at Woodenbong Common, recognising the Githabul People's native title rights and interests in New South Wales.

Relationship between the native title rights and other rights

The consent determination recognises the Githabul People's native title rights while protecting the rights of the other parties. All of the parties' rights will be exercised in accordance with New South Wales and Commonwealth laws and the Githabul People will also exercise their rights in accordance with their traditional laws and customs.

Managing the native title rights

The Native Title Act 1993 (Cwlth) requires the native title holders to set up an incorporated body, called a prescribed body corporate, to manage their native title rights and interests. The prescribed body corporate for this determination is the Githabul Nation Aboriginal Corporation. This corporation is the first point of contact for anyone wanting to discuss any issues relating to native title with the native title holders.

The Githabul People

Githabul People belong to their country and derive their law and customs from the Nguthungali-garda (spirits of our grandfathers) which still reside in significant landscape features such as Bangirbangimi (where Muli Muli is today), Tooloom Falls, Clarence River, Haystack Mountain, Cappen Mountain and other sites.

Others sites are known as jurbihls (djuribil) which refers to both a site and the spirit that resides there. There are many jurbihl associated with sites throughout Githabul

country including at Tooloom Falls, Mt Lindesay, areas in Bonalbo, Capeen, Unumgar, and near Dairy Flat. Certain people or families have a special status and relationship with specific sites through their jurbihls and those people are the custodians for those areas on behalf of all Githabul People. It is the responsibility of all Githabul People to care for and protect the sites associated with jurbihl and all Githabul country.

The Githabul People's beliefs, values, rules and practices concerning their relationship to the land and water of their country have been handed down to them by their ancestors.

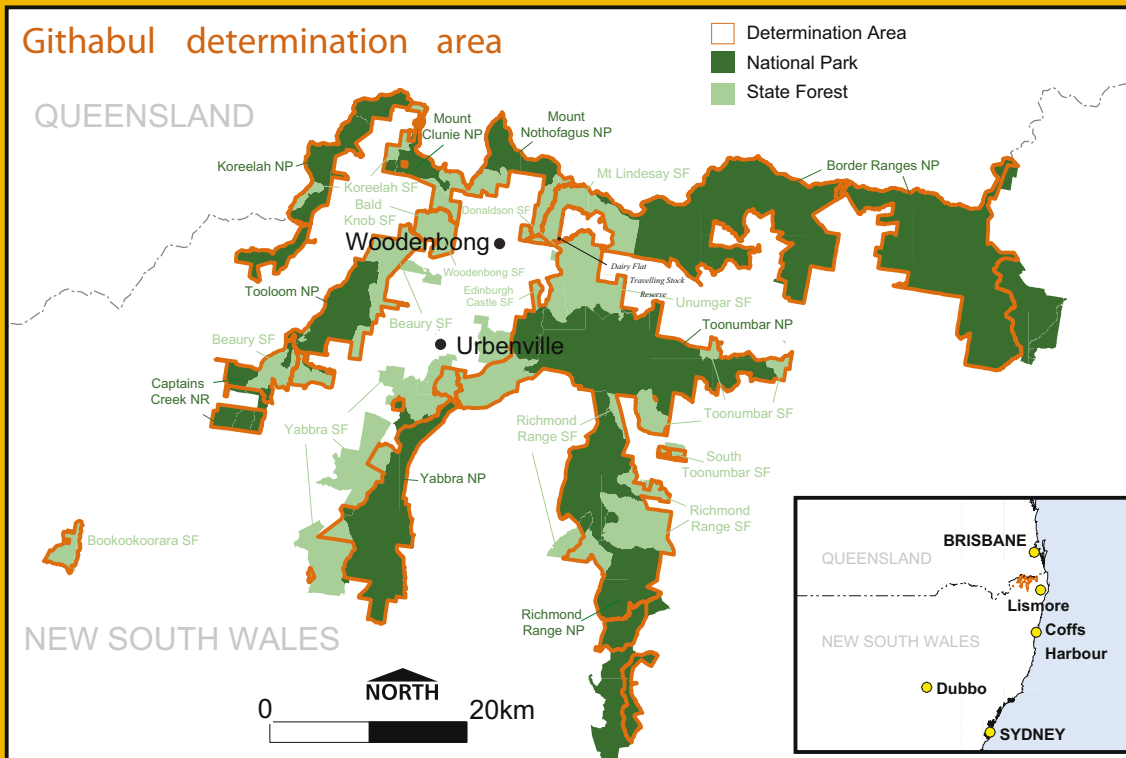


Members of the Githabul People Aloena Kapeen and Auntie Charlotte Page.



Members of the Githabul People, Doug Williams and Christine Charles, addressed the gathering at the ILUA celebrations.

Determination and ILUA areas



Location of native title determination.

Note: Some parts of the mapped state forests and national parks are not within the determination area due to extinguishment of native title or areas not claimed.

The Githabul People's non-exclusive native title rights and interests have been recognised in nine national parks and 13 state forests in northern New South Wales.

National parks: Border Ranges National Park, Captains Creek Nature Reserve, Koreelah National Park, Mount Clunie National Park, Mount Nothofagus National Park, part of Richmond Range National Park, Toooloom National Park, Toonumbar National Park, Yabbra National Park

State forests: Bald Knob State Forest, Beaurly State Forest, Bookookoorara State Forest, Donaldson State Forest, Edinburgh Castle State Forest, Koreelah State Forest, Mount Lindesay State Forest, Richmond Range State Forest, South Toonumbar State Forest, Toonumbar State Forest, Unumgar State Forest, Woodenbong State Forest, Yabbra State Forest.

Non-exclusive rights were also recognised over the Dairy Flat Travelling Stock Reserve through agreement with the Casino Rural Lands Protection Board.

Do you need more information?

National Native Title Tribunal

GPO Box 9973
In your capital city or
Freecall 1800 640 501
Website www.nntt.gov.au

Prescribed Body Corporate

Githabul Nation Aboriginal Corporation
C/O NTSCORP
Suite 15, 245 Chalmers Street
Redfern NSW 2016
Telephone (02) 9310 3188

For a copy of the judgement and determination

Federal Court of Australia
Website www.fedcourt.gov.au
Search under 'Judgements'

The Tribunal welcomes feedback on whether this information was useful. Email Public Affairs with your comments and suggestions to enquiries@nntt.gov.au or telephone 08 9268 7495.



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