

Oldest land claim settled

Amidst tears of joy and sadness, the Yanyuwa people of the Northern Territory's gulf region took possession of their traditional lands, and in doing so closed the book on Australia's longest running land claim



For 30-years the Yanyuwa fought to have a group of islands in the Sir Edward Pellew group in the NT's Gulf of Carpentaria returned to them.

On 28 June the dream became a reality when the title deeds to Centre Island and its surrounding regions were handed back to the Yanyuwa.

Traditional owner and member of the NT legislative Assembly, Barbara McCarthy, paid homage to those who had initiated the claim almost three decades before.

"My brother spoke earlier and he said he was about 13 when this land claim happened, I was about eight," Ms McCarthy said.

"All the Yanyuwa knew this was our country and we had to sit up in court and explain something that we all knew like the nose on our faces."

"Over and over again these old people had to sit there and explain about this piece of land and that sacred site and how they were related to this person and that person.

"They went through all that in 1976.

"This is being recognised and noticed by all my family," Ms McCarthy said.

NLC Chairman, John Daly paid tribute to the Yanyuwa for their patience and persistence.

landmark day

"Today is a landmark day for the Yanyuwa people who have waited almost 30-years for this day to arrive," Mr Daly said.

"It is a testimony to your endurance and willingness to negotiate

country here and our traditional way of life, a lot of these kids are falling over."

The Borroloola Land Claim (No.1) was the first to be lodged (July 1977) and heard (September 1977) under the Aboriginal Land Rights (Northern Territory) Act 1976.

The second part of a two-part claim, the Centre Island claim (Borroloola Land Claim No.2) would meet with obstructions.

Unfortunately for the



the same set of coastal islands of the Sir Edward Pellew group. In 1992 Justice Peter Gray found that the repeat claim could be heard as the claim was asserted on a substantially different basis, included relevant information not available in the original claim, and was likely to be successful.

However, in the period between the lodgement of the repeat claim and the hearing (1979 – 1992), the NT Government utilised a number of devices in an effort to defeat the claim.

new town

In January 1980 the NT Government gazetted the boundaries of a new town so that it was not available for claim.

This was overturned as the town had not been proclaimed at the time the repeat claim was lodged.

The NT Government also purported to grant 11 leases to non-Aboriginal people for holiday houses on Centre Island. However, the decision of the Federal Court in *NT v Hand* held that such grants were invalid until the claim was concluded.

In 1996 Justice Gray found that the Yanyuwa people were the traditional Aboriginal owners of all of the land claimed to the low water mark.

In 2006 the land was recommended for granting to the Yanyuwa.

Above: Yanyuwa woman and Centre Island traditional owner Barbara McCarthy (right) with her son 'CJ' (front) are all smiles as they enjoy the day with Chief Minister Clare Martin and family members at the recent handover.

Above left: it's all smiles for these kids at the Centre Island handover.

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BARBARA MCCARTHY, TRADITIONAL OWNER AND MLA

a workable solution to the obstacles that were placed before you in the pursuit of this day."

Mr Daly urged the Yanyuwa to utilise the land in a constructive manner, and to teach young people about traditional ways.

"They walk around the streets of Darwin and they're like big trees with no roots," Mr Daly said.

"Without those strong roots connecting to our

Yanyuwa, the first Aboriginal Land Commissioner, Justice John Toohey would write in his report in 1978 that while part-one of the claim was likely to be successful for sites located on the mainland, traditional Aboriginal owners for coastal islands in the Sir Ed ward Pellew group could not be identified.

Undeterred, the Yanyuwa lodged a repeat claim in 1979 for



Below: NLC Chairman, John Daly hands over the title deeds to the Centre Island traditional owners.