

An interview with

YVONNE STEWART

Member of the Arakwal Bundjalung,
Byron Bay country,
Far Northern NSW



Yvonne Stewart is a traditional owner and applicant in an ongoing native title claim by the Arakwal Bundjalung people of Byron Bay, in far northern NSW. She spent 12 years as coordinator/CEO at the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), and recently talked to us about the Arakwal Bundjalung people's work towards gaining recognition of their native title.

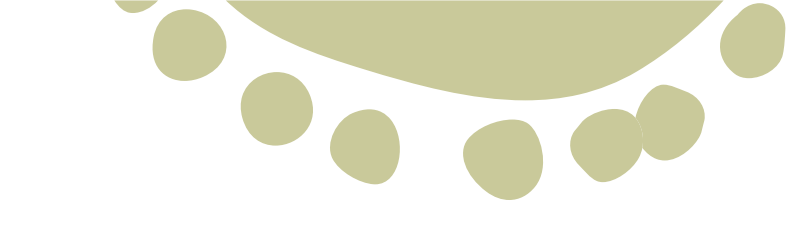
WE LODGED OUR FIRST NATIVE title claim in 1992, and it was registered in 1994, so we've been working on this for a long time. One reason I think it has taken so long is because of where our country is. No one wants to deal with the determination because of the value of the land. I feel like we're a bit isolated and discriminated against because of this, compared to some other native title claimants. At the same time, the value of the land is why it's so important for us to get our native title recognised soon; Byron Bay is growing fast, and we need to be able to protect our cultural sites and have a full say in developments on our land and in the management of our country.

When he was the Attorney-General, Robert McClelland came to meet with us. It was great that he did, but I remember he asked us, "How are you going to deal with the backlash from the white community?" because there was some high value Crown land that was going to be handed back to us in an ILUA. I said that it's our land, and we'll deal with that when we get it back. We just want to be treated as landowners, like any other landowner.

We also haven't withdrawn the claim to our waters, which always makes native title claims in New South Wales more difficult. A lot of the time the State Government wants you to take water off of the claim, and once you have recognised native title over the land, they say you can put in a second claim to coastal waters. Our claim includes part of the Brunswick River and coastal waters up to 3.5 miles out to sea.

Because we are registered native title claimants, we are afforded some cultural fishing rights. We want to be recognised as the traditional owners of our land and water, though, and we want exclusive rights to our traditional resources, like our fish, pipis, oysters, and crabs, because being able to manage our own resources is essential to our culture and our livelihoods. We told the solicitors to fight to get our water rights recognised in the determination.

We're hoping we'll get our determination soon. In order for that to happen, we need to finish negotiations with a few of the interested parties. The time it's taking to get a determination is



frustrating. Our claim has been registered for years, and everyone acknowledges we are the traditional owners of the area. When we put it together we worked with elders from the 14 other Bundjalung groups to make sure they endorsed our claim and its boundaries.

But, even without a determination for this claim yet, native title has opened a lot of doors for us. Once our first claim was registered we were treated differently. Before 1994 no one ever asked for our say; now we're important stakeholders. In 1998 we signed a memorandum of understanding with the Byron Shire Council to set up an Aboriginal consultative committee. Many of the councillors and the mayor have backed us, and it's helped us with organising zoning changes and planning permissions for future projects.

Since our first claim was registered we've also signed two Indigenous Land Use Agreements with the State Government. The first was signed in 2001, and the Corporation was given freehold over two parcels of land in

Byron Bay. Last year we finalised the development application for four new homes for some of our mob on the land, in honour of the four elders who started the claim. The main outcome from the first ILUA, though, was setting up Arakwal National Park, and we have joint management of it with the National Parks and Wildlife Service. Our arrangement with National Parks has been great, they're willing to work with us and we negotiated for seven permanent positions in the park that are reserved for Arakwal people. The park won an IUCN Packard Award in 2003, and in 2014 it was one of the first parks in

Australia to be placed on the IUCN Green List of Protected Areas. We're working at the moment to provide a model that other Indigenous communities can use to set up their own joint-managed parks.

The second ILUA granted the Corporation four more parcels of freehold land, including the Broken Heads Caravan Park. We inherited 11 non-Indigenous permanent tenants when the Corporation took over the caravan park, so we had to manage that; running a business was a whole new game. Indigenous Business Australia helped us draw

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up business plans, and we had a lot of work to do upgrading the caravan park. Another part of the land we got back we earmarked for a cultural centre. That land used to be a rifle range and a tip, so we’re working with the State Government now to get it cleaned up. Mob are still doing a lot of work just getting the management of the Corporation sorted, so the cultural centre isn’t a priority at the moment, but it’s an important longer-term goal. The main thing is now the Corporation is financially self-sufficient, and that allows us to run different programs for our people.

The time and effort put into all these different native title processes takes its toll. I was working seven days a week at one point, it nearly killed me. That’s by far the worst part; all the work that needs doing, and how long it takes. You’re forever representing to government departments and stakeholders, and our mob too, because it’s hard for a lot of them to interpret the process and who all the different players are. The government comes to the table and says ‘We need this and that ready,’ but when they have to do something they take their time mucking around between all the

different departments. We’ve only got one elder left in the claimant group. I always worry, ‘Can we get this finished before she goes?’

If we get a determination, of course we’ll celebrate! But it will be a moment for reflection, too. We’ve lost a lot of people along the way. We want to dedicate a new campsite to all our elders who didn’t get to see the decision. We’ll keep working to make sure our people have a place to call home and belong to, and to secure housing, economic development and good health.

Opposite: Tallow Beach, Bryon Bay looking north to Cape Bryon; top: Tallow Beach waters, Byron Bay; above: Tallow Beach looking south from the Cape Bryon Headland. Photographer: Norm Graham.