

Quandamooka Native Title Determination

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AIATSIS**

At Dunwich Hall, on 4 July 2011, after a sixteen year struggle for recognition, the Federal Court of Australia made two native title consent determinations recognising the Quandamooka people's native title rights and interests over land and waters on and surrounding North Stradbroke Island. The first claim (Quandamooka People #1 (QUD6010/1988)) commenced in 1995 and was accepted for registration by the National Native Tribunal (NNTT) on 11 October 2000 and the second (Quandamooka People #2 (QUD6024/1999)) commenced in 1999 and was accepted for registration on 14 June 2000. The second claim was initiated to include parcels of land that were missed in the first claim.

In March 2010, the State of Queensland accepted connection evidence of the Quandamooka people. This act allowed for the determinations of native title to be made by consent, without the need for trial. The Australian legal system now acknowledges the Quandamooka people's rights to camp, hunt, fish and gather in accordance with their traditional laws and customs. Quandamooka people now have legal entitlements to live and conduct traditional ceremonies; take, use, share and exchange traditional natural resources; conduct burial rites, teach about the physical and spiritual attributes of the area; and maintain areas of significance.

The determinations recognise exclusive native title rights over 2,264ha of land; non-exclusive native title rights and interests over approximately 22,639ha of land including the majority of North Stradbroke Island, Peel Island, Goat Island, Bird



Standing room only at Dunwich Hall. Photo: Paul Dunn

Island, Stingaree Island, Crab Island, as well as approximately 29500ha of the Moreton Bay Marine Park area.

The day marked the end of extensive negotiations between the Quandamooka people, the Queensland government, Queensland South Native Title Services (QSNTS), the Commonwealth of Australia, Redland City Council, Brisbane City Council, Sibelco Australia Limited and other parties with interests in infrastructure, fishing, and tourism on Stradbroke Island. As part of the native title process, the Quandamooka people have entered into Indigenous land use agreements with the Queensland State government and Redland City Council. These ILUAs were ratified through the Quandamooka consent determinations. The Quandamooka people and the Queensland State government have also entered into an Indigenous Management Agreement which provides for joint management by the parties of the national parks on and around North Stradbroke Island. These management agreements will be registration-tested by the NNTT and will come into effect in late 2011. The agreements will provide the Quandamooka people with an opportunity to own land as well as participate in the management of their traditional country.

A loud cheer erupted when the Court documents were finally signed in Dunwich Hall. All participants then made their way to Dunwich Oval where celebrations took place. The applicant for the two native title claims, Ian Delaney, was assisted by the Quandamooka Family Representatives Steering Committee throughout the determination process, said the decision brought him great joy and relief.



Nunukal Aboriginal Dancers perform at the celebrations.
Photo: Paul Dunn

'It's been hard sometimes, but I just want to give recognition to our elders who have gone before us, not only the elders but the young ones too. I wish they were here today. When I heard everyone sing out down there after the Justice signed the paper, it made me think and it nearly brought a tear to my eye. I'm a bit emotional', he said.

QSNTS chief executive Kevin Smith acknowledged the hard work involved gaining recognition so close to a major capital city. 'The strength of the traditional laws and customs of the Quandamooka people to survive the colonisation process on the doorstep of a capital city is a testament to these people', Mr Smith said. 'This historic breakthrough stands as a powerful example that positive native title outcomes can be achieved in developed areas other than remote and regional Australia. This should hearten all native title claimants wherever their traditional country is located in Australia', he said.



Sands through the hands ceremony - Queensland Premier Anna Bligh, Quandamooka native title claims applicant Ian Delaney and Queensland South Native Title Services CEO Kevin Smith. Photo: Paul Dunn

Attending the celebration, the Queensland Premier Anna Bligh acknowledged that 'the Quandamooka people have cared for country around these areas for thousands of years – and their long and enduring connection with the land and sea of North Stradbroke Island has finally been recognised. Today is not just the end of a great struggle, today is also the beginning of a great opportunity. I think here in the part of the world, from this day forward, the 4th of July, will be known as the day on which the Federal Court of Australia applied the laws of our nation, recognised and determined that this land, is, always has been and always will be Quandamooka land'.

Quandamooka Yoolooburrabee Aboriginal Corporation

As a result of the determinations, the Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) has been established as the prescribed body corporate (PBC) under the *Corporations (Aboriginal and Torres Strait Islander*

Act 2006, to manage and protect native title rights on behalf of all native title holders. The QYAC met the day after the determinations, 5 July 2011. At this meeting the interim board members nominated Dean Parkin as the interim Chair. This board will serve until the first General Meeting on 1 October 2011.

The interim board has been extremely busy in its first two months of operation. Tasks include informing all State departments and agencies of the determinations and the PBC, setting up a corporation bank account (not as easy as it sounds), calling for and approving memberships before the upcoming general meeting, being asked to endorse activities on land, being involved in the Stradbroke Island economic transition taskforce where a discussion on the future economic development on the island took place, lots of meetings with State representatives, and the implementation and management of Indigenous land use agreements (ILUAs).

Interim Director of the QYAC Valerie Cooms stated 'Our board has a mixture of elders, lawyers, economists, and business people. This gives us good mix of cultural and professional knowledge. Even with this diversity we are working really hard to deal with the large amount of work. We were lucky to have such a great pool of people amongst our directors'. Ms. Cooms highlighted the responsibility faced by the directors of the QYAC. 'These are very interesting days. It's a huge learning process for all involved. We have realised that to have your native title determined is not an end point, but a new starting point of a lot of hard work and responsibility', she said.

Ms Cooms also stated that she was looking forward to the Queensland regional PBC meeting in Cairns from 25 to 27 October 2011. 'It's a perfect time for us to learn from and share ideas other PBCs in the State, and to engage with government departments and programs that are relevant to the management of Quandamooka lands', she said.