



National
Native Title
Tribunal



The Kuuku Ya'u People's native title rights have been recognised over about 1980sq km of land and waters to the north of Lockhart River township on the east of Cape York Peninsula in far north Queensland.

Kuuku Ya'u People's native title determination

Far north Queensland
25 June 2009

The Kuuku Ya'u People's rights

On 25 June 2009 the Federal Court of Australia made a consent determination recognising the Kuuku Ya'u People's native title rights over about 1980sq km of land and waters to the north of Lockhart River township on the east of Cape York Peninsula in far north Queensland. This area includes land in the vicinity of the township of Portland Roads, Rocky Island, Sandy Islet, Pigeon Island, Quoin Island National Park, Piper Islands National Park, part of Forbes Islands National Park and surrounding seas.

The consent determination is an important turning point for the Kuuku Ya'u People as it recognises their native title rights under Australian law for the first time.

Exclusive native title rights recognised

The Federal Court recognised the Kuuku Ya'u People's exclusive native title rights over part of the claimed land area. Exclusive native title has been recognised over about 10sq km of mostly reserves and unallocated state land. They therefore have the right to possess, occupy, use and enjoy these areas exclusively.

Non-exclusive native title rights recognised

The Federal Court also recognised the Kuuku Ya'u People's non-exclusive native title rights over about 1970sq km of the sea.

These include the right to:

- be present on, including by accessing and traversing the area
- take and use traditional natural resources for non-commercial cultural, spiritual, personal, domestic or communal purposes.

The Kuuku Ya'u People's non-exclusive rights over other areas such as part of Forbes Islands National Park, Quoin Island National Park and the Piper Islands National Park have been recognised.

These include rights to:

- access, traverse and camp on the determination area
- take, use, share and exchange traditional natural resources from the determination area for personal, domestic, cultural, spiritual, ceremonial and non-commercial communal needs
- maintain and protect places of importance to native title holders
- light camp fires on the determination area for cultural, spiritual or domestic purposes including cooking but not for hunting or clearing vegetation.

What the consent determination means

This determination is a decision by the Federal Court that native title exists in the determination area. The determination followed agreement between parties to the native title claim. The Court is satisfied the native title claimants proved their continuous connection to the determination area.

This consent determination finalises the Kuuku Ya'u People's native title claim over the determination area through agreements reached with respondent parties about how their interests coexist with the Kuuku Ya'u People's native title rights and interests.

Respondent parties to the Kuuku Ya'u People's native title claim were:

- State of Queensland
- Commonwealth of Australia
- Australian Maritime Safety Authority
- Cook Shire Council

- Lockhart River Aboriginal Shire Council
- fishing licence holders.

During negotiations the respondent parties agreed to recognise the Kuuku Ya'u People as the native title holders of the area. They acknowledge that the Kuuku Ya'u People have a long-standing, strong connection to the determination area under their traditional laws and customs.

Public access

Public access continues to be available to:

- Forbes Islands National Park, the Quoin Island National Park and the Piper Islands National Park for recreation purposes
- the surrounding seas where native title exists
- reserves within the determination area in accordance with the purpose for which those reserves were dedicated.



"This is dedicated to our Old People and those who started this fight and have now passed on: Sweeney Hobson, Isaac Hobson, Paul Hobson, Jerry Pascoe, Martin Pascoe, Richard O'Brien, Cissy Rocky, Cyril Rocky. We have been fighting to get our land/sea back for a long time, since 1995. It's been like travelling on a long road and now we are finally at the end of that journey. We are very proud to have our rights in our land and sea recognised by the Court on this date 25 June 2009."
Lucy Hobson, native title holder

Stepping stones

4 July 1995

The Kuuku Ya' u People lodged a native title application with the National Native Title Tribunal over the seas, reefs, islands and resources from Olive River in the north, out to the Great Barrier Reef, then south to Nyllichii Point.

7 April 1997

The native title claimants lodged two more applications with the Tribunal over parts of Restoration and Forbes islands.

24 November 1999

The native title applications were combined in the Federal Court. The resulting single claim included all of the land and waters included in the previous three applications.

20 March 2003

The Federal Court gave the claimants leave to amend the application.

15 May 2003

The amended application passed the Tribunal's registration test and was placed on the National Native Title Tribunal's Register of Claims.

15 September 2004

The Tribunal conducted the first mediation meeting with all parties.

15 December 2005

The State of Queensland accepted connection material for the purpose of engaging in substantive mediation.

January 2006 – 2009

The Tribunal convened face-to-face substantive mediation conferences involving representatives of the Kuuku Ya' u Working Group and all parties to settle the terms of a consent determination and related agreements.

29 April 2009

The Federal Court gave the claimants leave to amend the application.

On country site inspections conducted:

7 - 8 June 2006

Site inspection at Portland Roads to look at parcels in the application area.

29 October 2007

Mediation meeting in Lockhart River with the Queensland Seafood Industry Association.

30 October 2007

Mediation meeting on country at Portland Roads with the Cook Shire Council.

Relationship between the native title rights and other rights

This consent determination recognises the Kuuku Ya' u People's native title rights while protecting the rights of other parties. If the other rights and interests are inconsistent with the native title rights and interests, the other rights and interests take precedence.

All of the groups' rights will be exercised in accordance with federal and Queensland laws. The Kuuku Ya' u People will also exercise their rights in accordance with their traditional laws and customs.

Managing the native title rights

Native title holders are required to set up an incorporated body, called a prescribed body corporate, within 12 months of the determination to manage their native title rights and interests. The Northern Kuuku Ya' u Kanthanampu Aboriginal Corporation is the nominated prescribed body corporate for the Kuuku Ya' u People. It will act as trustee for the native title holders, performing the functions required under the Native Title Act.

Agreement related to the determination

The Kuuku Ya' u People and others with rights and interests in the area developed three indigenous land use agreements (ILUAs) to establish how their respective rights will be exercised in the agreement area.

ILUAs are agreements about the use and management of land and waters made between one or more native title groups and others. These agreements can deal with practical, day-to-day issues or can accompany a determination. They set out how people's rights and interests will work on the ground.

The native title determination takes effect upon the registration of the three ILUAs on the Tribunal's Register of Indigenous Land Use Agreements.

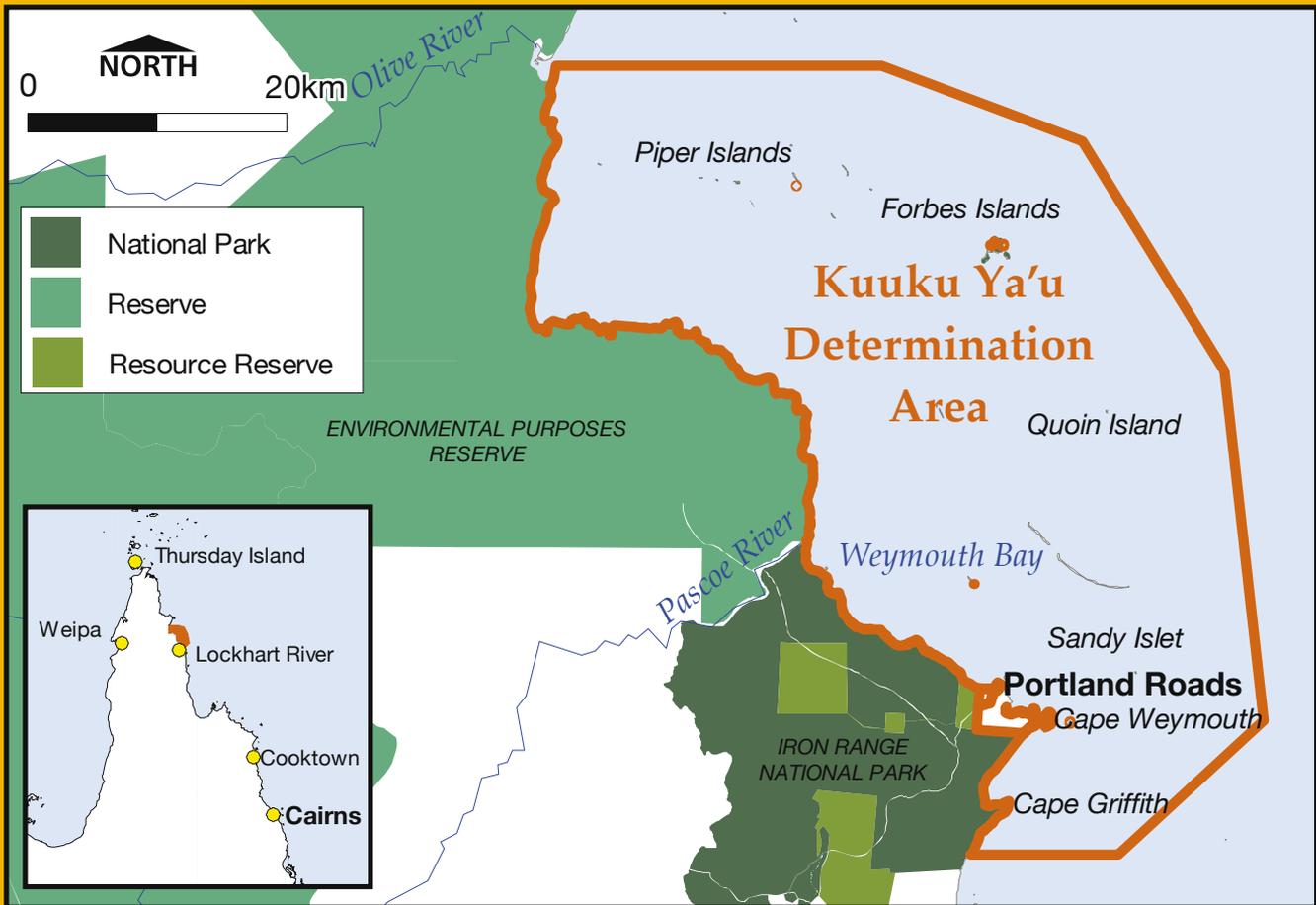
The three ILUAs are:

- a marine park ILUA between Kuuku Ya' u People,

the Queensland Government and the Great Barrier Reef Marine Park Authority on behalf of the Commonwealth of Australia relating to the exercise of any native title rights in the ILUA areas to ensure good management of these areas

- a protected area ILUA between the Kuuku Ya' u People and the state government relating to the exercise of native title rights and protection, use and management of the Forbes Islands National Park, Quoin Island National Park and Piper Islands National Park
- the Portland Roads ILUA with the Cook Shire Council regarding how the council will carry out its responsibilities in the determination area. It provides a framework for communicating with the Kuuku Ya' u People leading to more effective delivery of local government services.

Map of determination area



Location of native title determination.

Further information

National Native Title Tribunal
Cairns Registry
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Federal Court of Australia
Librarian
Level 6, Commonwealth Law Courts
119 North Quay
Brisbane Qld 4000
Telephone 07 3248 1100

Cape York Land Council
32 Florence Street
Cairns Qld 4870
Telephone 07 4053 9222

**Department of Natural Resources
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Indigenous Services
Locked Bag 40
Coorparoo DC Qld 4151
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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 7268.



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