



Backgrounder

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Native title recognised in Gulf of Carpentaria

Today's consent determination finalises the Lardil, Yangkaal, Gangalidda and Kaiadilt Peoples' native title claim over the Wellesley, South Wellesley, Forsyth and Bountiful Island groups in Queensland's Gulf of Carpentaria, around 400 km north of Mt Isa. Agreement between the native title claimants and other parties to the claim led to the Lardil, Yangkaal, Gangalidda and Kaiadilt Peoples today having their exclusive and non-exclusive native title rights and interests recognised over 121 775 hectares. The outcome follows a determination the groups achieved on 23 March 2004, when the Federal Court recognised their non-exclusive native title rights to the sea surrounding the Wellesley Islands group.

The native title claim

The Lardil, Yangkaal, Gangalidda and Kaiadilt Peoples, represented by Chalk & Fitzgerald Lawyers, lodged their claim over 122 200 hectares of land and waters above the high water mark on the islands on 12 January 2006. The National Native Title Tribunal registered the claim on 30 March 2006.

Parties to the claim

Several groups and individuals with interests in the claimed areas applied to the Federal Court to become parties to the claim and subsequently participated in negotiations leading to an agreement. The Federal Court ratified the agreement today through the consent determination.

They were:

- State of Queensland
- Council of the Shire of Mornington
- Airservices Australia
- Ergon Energy
- Telstra Corporation
- Sublessees
- Permit holders

Types of land under claim

The claimed area included unallocated State land, special leases, land leases, permit land, and reserves.

Mediation

The Federal Court referred the claim to the Tribunal for mediation on 17 October 2006, after which the Tribunal held mediation conferences with the claimants and respondent parties.

Native title rights and interests recognised

Exclusive rights

The Lardil, Yangkaal, Ganalidda and Kaiadilt Peoples' exclusive native title rights have been recognised over 121 750 hectares on the islands. They have the exclusive right to access and use these areas.

Non-exclusive rights

The Federal Court has recognised the claimants' non-exclusive native title rights over 25 hectares to:

- access and traverse the area;
- hunt, fish and gather for personal, domestic and non-commercial, communal purposes;
- take, use, share and exchange natural resources for personal, domestic, non-commercial, communal purposes;
- camp on the area on a temporary basis;
- light fires for domestic purposes such as cooking but not for hunting or clearing vegetation;
- conduct religious, spiritual and ceremonial activities on the area;
- maintain and protect significant places.

The Court also recognised the native title claimants' non-exclusive native title rights over the water including to:

- hunt, fish and gather from the water for personal, domestic and non-commercial communal purposes.

The rights of the native title holders and those of the parties are subject to State and Commonwealth laws. The native title rights and interests are to be exercised in accordance with the native title holders' traditional laws and customs.

Managing the native title rights

The Gulf Region Aboriginal Corporation will act as an agent for the Lardil, Yangkaal, Gangalidda and Kaiadilt Peoples, and perform the functions required under the Native Title Act 1993 and the Native Title (Prescribed Bodies Corporate) Regulations 1999 (Cth).

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