



Charting the way



Federal Court judge Justice Andrew Greenwood with local people, from left, Lorraine Clarmont, Ivy Hobson, Donald Hobson, Deborah Hobson, Lucy Hobson and Lloyd Hollingsworth at the recent Kuuku Ya'u determination.



● ABOVE: Cape York Land Council Chief Executive Michael Ross, centre, with Queensland Parks and Wildlife officers Pip Schroor and Ingkris.



● LEFT: Column author Graham Fletcher (left) with Kuuku Ya'u claimant Lloyd Hollingsworth.



Determination was 41st – and a first

FOR thousands of years the Kuuku Ya'u People of Far North Queensland have relied on the Coral Sea and its resources for their survival. They have hunted and fished and developed a deep respect for, and bond with, their traditional sea areas.

Their unwavering connection to their land on the east coast of Cape York Peninsula and surrounding sea areas was recognised under Australian law for the first time on 25 June.

Concluding a process that began 14 years ago, the Federal Court made a consent determination recognising the Kuuku Ya'u People's non-exclusive native title rights over 1970 sq km of sea and their exclusive native title rights over 10 sq km of land.

The determination area includes land near Portland Roads township, Rocky Island, Sandy Islet, Pigeon Island, Quoin Island National Park, Piper Islands National Park, part of Forbes Islands National Park and surrounding seas.

Although it was the 41st consent determination to be made in Queensland, it was also a first. The Kuuku Ya'u People broke new ground – they were the first group in Queensland to achieve recognition of their sea rights by agreement. In doing so they have charted the way for the 26 native title claims over areas of sea in Queensland that are yet to be settled.

Previously, in March 2004, the Lardil, Yangkaal, Gangalidda and Kaiadit Peoples in the Gulf of Carpentaria won recognition of their non-exclusive rights over their traditional seas after court hearings spanning more than three years. The Federal Court ruled that they had maintained an unbroken connection to the sea around the Wellesley, South Wellesley, Forsyth and Bountiful Island groups.

In this case, the parties to the Kuuku Ya'u People's claim entered into negotiations in a spirit of goodwill and with a willingness to reach an agreed outcome.

The parties involved had to deal with complex matters and consider a wide range of rights and interests. They also had to address sustainability and conservation issues in the marine park area, access to national parks, and questions about township infrastructure.

This required a thorough process to ensure the resulting agreements would be durable and suit the parties' needs well into the future.

By undertaking this process, the parties not only agreed that the Kuuku Ya'u People are the native title holders in the determination area, but also developed three Indigenous land use agreements (ILUAs) that establish how their respective rights will be carried out on the ground.

The consent determination and accompanying ILUAs provide a solid foundation for the Kuuku Ya'u People's future role in government infrastructure development and land management, including

national parks and marine park management, in the Kuuku Ya'u People's country.

During negotiations the parties developed constructive relationships and now have certainty about their future and protection of their rights in this area.

Formal acknowledgment of native title is important.

Recognition of traditional laws and customs that are still practised today provides an ongoing basis for respect by the wider community that bodes well for our future.

