



National
Native Title
Tribunal



The Quandamooka People's native title rights and interests have been recognised over areas on and surrounding North Stradbroke Island.

Quandamooka People's native title determinations

North Stradbroke Island
4 July 2011

Facilitating timely and effective outcomes.

Quandamooka People determinations

On 4 July 2011 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, and some islands in Moreton Bay. The combined determination area is about 54,472 hectares, with native title determined to exist over about 54,408 hectares of land and waters, including areas of national parks, reserves, unallocated State land and other leases.

The outcomes achieved are the result of negotiations between the Quandamooka People and the various parties to the two applications. The Quandamooka People also negotiated two indigenous land use agreements (ILUAs) that establish how rights and interests will be exercised on the ground.

The two determinations bring the total number of determinations made in Australia to 148, and in Queensland to 56.

A native title determination is a decision by the Federal Court of Australia that native title does or does not exist over an area of land or water. If the parties to a native title claim reach agreement, and the Federal Court endorses the agreement, it is called a consent determination.

The determinations

The Quandamooka People negotiated with a number of parties including the Queensland Government, the Commonwealth of Australia, Redland City Council, Brisbane City Council, Consolidated Rutile Limited and ACI Operations Pty Ltd (now Sibelco Australia Limited) and parties with interests in infrastructure, fishing, tourism, and individuals to reach agreement about their native title rights. These agreements were ratified through two consent determinations on 4 July 2011. The National Native Title Tribunal mediated between the parties to help resolve the issues and reach agreement.

The Quandamooka Yoolooburrabee Aboriginal Corporation has been established as the Prescribed Body Corporate to manage the native title rights on behalf of all native title holders.

Exclusive native title rights recognised

The Federal Court recognised the Quandamooka People's exclusive native title rights over about 2,264 hectares of land. The group therefore has exclusive rights to possess, occupy, use and enjoy the area to the exclusion of all others.

Non-exclusive native title rights recognised

a) Onshore rights

The Federal Court also recognised the Quandamooka People's non-exclusive native title rights over about 22,639 hectares of land. The group therefore has non-exclusive rights to:

- live and be present on the area
- take, use, share and exchange traditional natural resources for personal, domestic and non-commercial communal purposes
- conduct burial rites
- conduct ceremonies
- teach on the area about the physical and spiritual attributes of the area
- maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and protect those places and areas from physical harm
- light fires for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation, and
- be accompanied into the area by non-Quandamooka People being:
 - people required by traditional law and custom for the performance of ceremonies or cultural activities, and
 - people required by the Quandamooka People to assist in observing or recording traditional activities on the area.

The group also has non-exclusive rights in relation to on-shore water to:

- take and use traditional natural resources from the water for personal, domestic and non-commercial communal purposes, and
- take and use the water for personal, domestic and non-commercial communal purposes.

b) Offshore rights

The Federal Court also recognised the Quandamooka People's non-exclusive rights over about 29,505 hectares of offshore areas.* The group therefore has non-exclusive rights to:

- be present on the area, including by accessing and traversing the area, and
- take, use, share and exchange traditional natural resources and seawater for any non-commercial purpose.

The group will exercise its non-exclusive rights alongside the rights of others, and parts of the determination area will continue to be shared by all those with an interest in the area, including members of the public.

* The native title rights and interests recognised in the zone between the high water mark and the line of the highest astronomical tide are the same as those recognised below the high water mark.

Stepping stones

3 January 1995

Quandamooka People lodged their first claim over the majority of North Stradbroke Island and including the southern part of Moreton Island, Bird Island, Goat Island, Peel Island and surrounding offshore areas.

8 September 1995

Quandamooka People #1 was placed on the Register of Native Title Claims.

14 August 1997

Quandamooka Land Council and Redland Shire Council signed a Process Agreement that established a framework for future negotiations.

10 September 1999

Quandamooka People filed their second claim with the Federal Court over the southern part of North Stradbroke Island and some areas in the north of the Island.

4 June 2000

Quandamooka People #2 was registered with the National Native Title Tribunal.

26 October 2010

Quandamooka People and the State of Queensland signed an Agreement in Principle for a Quandamooka-State ILUA.

February 2010 to July 2011

The Tribunal mediated between the parties to help resolve the issues and reach agreement. The Tribunal also helped parties negotiate two ILUAs.

4 July 2011

Justice Dowsett of the Federal Court of Australia made the two consent determinations at Dunwich, North Stradbroke Island.

Associated agreements related to the determinations

As part of the broader resolution of the Quandamooka People's native title determination applications, the Quandamooka People negotiated two ILUAs with the Queensland Government and Redland City Council.

The Quandamooka Land and Sea ILUA sets out:

- native title consents to agreed acts, validation, consultation and compliance processes for State projects and activities
 - a role in joint management of various areas in accordance with management principles under the *Nature Conservation Act 1992* (Qld), a Plan of Management for Protected Areas and an Indigenous Management Agreement, and
 - surrender of and limitations on the ability to exercise some native title rights
- in exchange for compensation and other benefits to the Quandamooka People.

The Quandamooka-Redland City Council ILUA sets out broad principles and mechanisms for how the parties will work together and meet responsibilities for mutual benefits. The ILUA establishes:

- native title consents to particular future acts, validation, consultation and compliance processes for Council's projects and activities
 - a compliance process for future act dealings
 - a framework for other policies, programs and initiatives for the mutual benefit of parties and local community, and
 - limitations on the ability to exercise some native title rights
- in exchange for compensation and other benefits to the Quandamooka People.

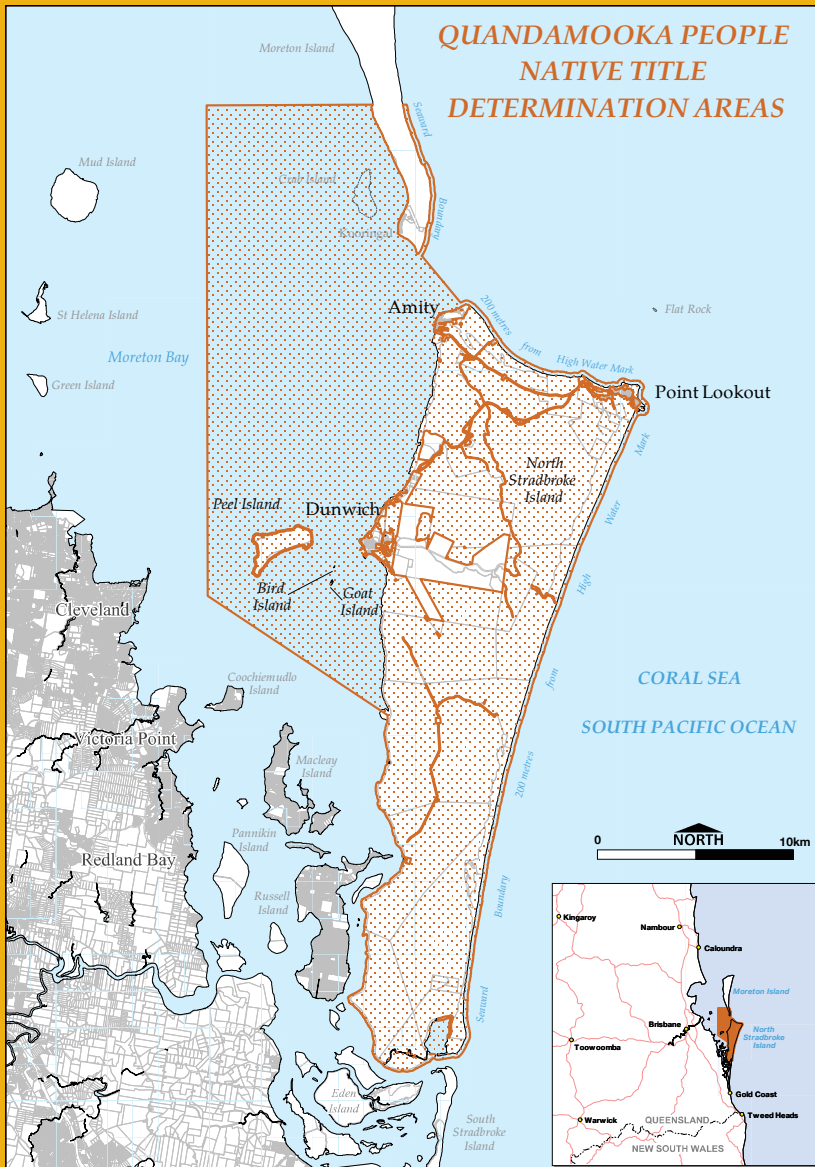
The native title determinations will take effect upon the registration of the Quandamooka People's agreements with the Queensland Government and Redland City Council on the National Native Title Tribunal's Register of Indigenous Land Use Agreements.

ILUAs are agreements about the use and management of land and waters made between one or more native title groups and other people. An ILUA commonly sets out how parties' rights and interests will be carried out on the ground.



Uncle Bob Anderson and Applicant Ian Delaney sign the Agreement in Principle for a State ILUA, watched by (L-R) Quandamooka Family Representatives Steering Committee members Eddie Ruska, Gavin Costelloe, Christine Moyle, John Tapp Jnr, Cameron Costello, Sandra Delaney and Bain Stewart

Map of determination area



Further information

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The Tribunal welcomes feedback on whether this information was useful. Email the Communications unit with your comments and suggestions to enquiries@nntt.gov.au or telephone 1800 640 501.



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