



National  
Native Title  
Tribunal



*Horse Falls make up some of the waters on Jirrbal country.*

# Jirrbal People's native title determination

Far north Queensland  
8 October 2010

*Facilitating timely and effective outcomes.*



# Jirrbal People determinations

On 8 October 2010 the Federal Court of Australia made three consent determinations recognising the Jirrbal People's native title rights over country, 133 km south west of Cairns in Far North Queensland. The determination areas, over approximately 92,003 ha of land and waters, include parts of the Malaa National Park and Tully Falls National Park.

The Jirrbal People negotiated with parties to their three claims to reach the outcomes. They also negotiated four indigenous land use agreements (ILUAs) that establish how their respective rights and interests will be carried out on the ground.

The three determinations bring the total number of determinations made in Australia to 142 and in Queensland to 54.



*Members of the Jirrbal People on country.*

## The determinations

The Jirrbal People negotiated with the Queensland Government, Tablelands Regional Council, Cassowary Coast Regional Council, Ergon Energy, Queensland Lapidary and Allied Crafts Club Association, Stanwell Corporation and individuals to reach agreement about their native title rights. These agreements were ratified through three consent determinations on 8 October 2010. The National Native Title Tribunal mediated between the parties to help them resolve issues and reach agreement.

The Wabubadda 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 Jirrbal People's exclusive native title rights over 55.98 ha of land. The group therefore has the right to possess, occupy, use and enjoy this area, to the exclusion of all others.

*'It's a happy day to be getting our land back, but it's a pity we have lost elders along the way - it would have been nice to have had the others see this'.*

**Jirrbal Elder Lillian Freeman.**

## Non-exclusive native title rights recognised

The Federal Court also recognised their non-exclusive rights over 91,947 ha of land of reserves and national parks, including the right to:

- access, traverse and camp on the area;
- take and use traditional natural resources for personal, domestic, non-commercial and communal purposes;
- perform cultural or spiritual activities; and,
- maintain places of importance and areas of significance.

The Court also recognised the group's non-exclusive rights to water in the determination area. These are the right to:

- hunt and fish in, or gather from, the water for personal, domestic and non-commercial communal purposes; and,
- take, use and enjoy the water for personal, domestic, and non-commercial purposes.

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.



*Our hard struggle has finally come through to fruition'.  
Margaret Freeman, Jirrbal woman.*

## Associated agreements related to the determinations

During negotiations the Jirrbal People and the State Government reached an indigenous land use agreement (ILUA) that establishes how the native title rights and interests will be exercised in parts of the national parks and reserves such as Tully Falls National Park, Malaan National Park, Herberton Range Forest Reserve and Evelyn Creek Conservation Park.

The Jirrbal People and Tablelands Regional Council negotiated an ILUA that protects Aboriginal cultural heritage, while establishing how development will go ahead in the local government area. Ergon Energy Corporation and the Queensland Lapidary and Allied Crafts Club Association (QLACCA) also negotiated ILUAs.

The native title determinations take effect upon the registration of the Tablelands Regional Council ILUA, Ergon Energy ILUA and QLACCA ILUA on the National Native Title Tribunal's Register of Indigenous Land Use Agreements.

ILUAs are agreements about 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.

## Stepping stones

### **16 January 2003**

Jirrbal People, with assistance of the North Queensland Land Council, lodge claim with the Federal Court over Unallocated State Land in Jirrbal country.

### **13 August 2003**

The Jirrbal People claim was registered with the National Native Title Tribunal.

### **18 February 2004**

Jirrbal People lodge two further claims with the Federal Court; one claim over reserves, and the other over national parks, State forests, and forest reserves in Jirrbal country.

### **4 June 2004**

The Jirrbal People #2 claim was registered with the National Native Title Tribunal.

### **10 June 2004**

The Jirrbal People #3 claim was registered with the National Native Title Tribunal.

### **April 2009 to August 2010**

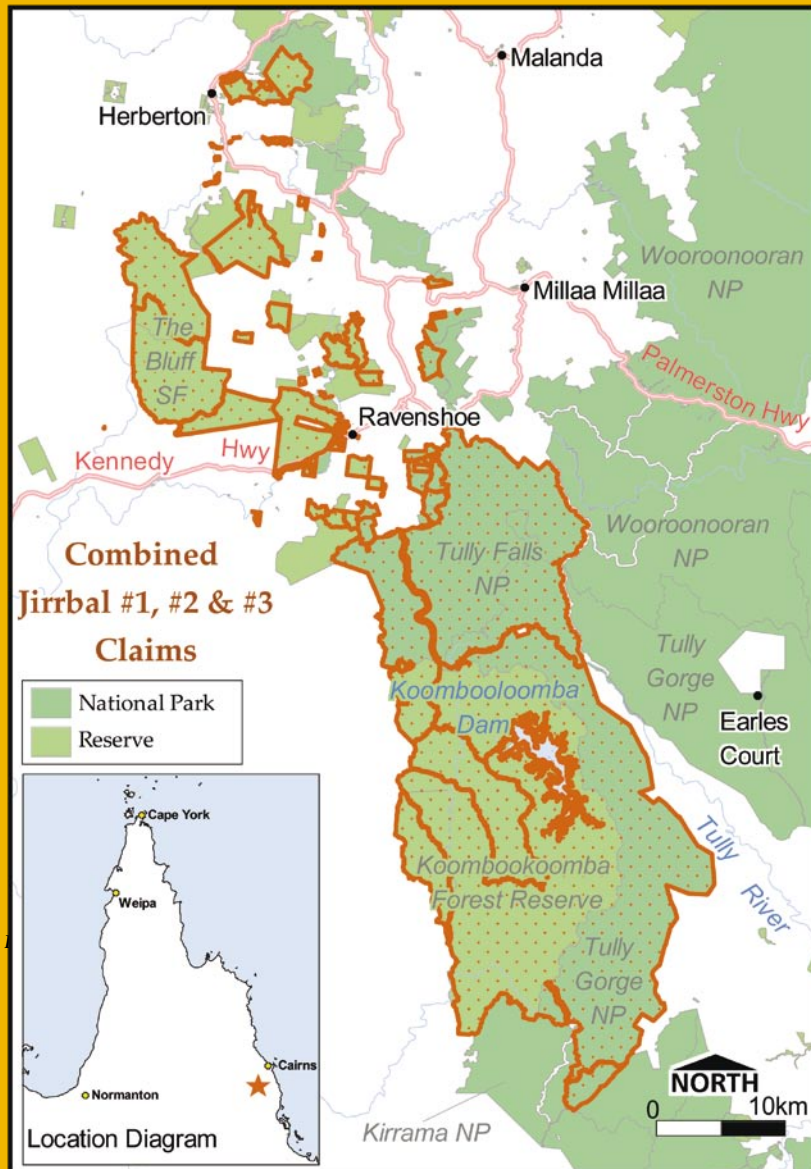
The Tribunal mediated between the parties and helped them work through issues and reach agreement that the Jirrbal People are the native title holders of the area. The Tribunal also helped parties negotiate various ILUAs.

### **8 October 2010**

Justice Dowsett of the Federal Court of Australia made the consent determinations at Ravenshoe, south west of Cairns on the Atherton Tablelands.



# Map of determination area



## Further information

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The Tribunal welcomes feedback on whether this information was useful. Email Stakeholder Relations team with your comments and suggestions to [enquiries@nntt.gov.au](mailto:enquiries@nntt.gov.au) or telephone 08 9268 7268.



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