



National
Native Title
Tribunal



The Juru People's non-exclusive native title rights have been recognised over Cape Upstart National Park, north of Bowen in Far North Queensland.

Juru People (Cape Upstart) native title determination

26 July 2011

Juru People (Cape Upstart) determination

On 26 July 2011 the Federal Court of Australia made a consent determination recognising the Juru People's non-exclusive native title rights over Cape Upstart National Park, north of Bowen in Far North Queensland. The determination area is approximately 86 sq km of land.

The Juru People negotiated with the Queensland Government, Ergon Energy, Whitsunday Regional Council and fishing interests to reach agreement about native title rights and the rights of others with interests in the area. Under the determination, the Juru People will exercise their rights to carry out their traditional customs and activities.

The Kyburra Munda Yalga Aboriginal Corporation has been established as the Prescribed Body Corporate to hold native title on trust on behalf of all native title holders.



Native title rights recognised

The Federal Court recognised the Juru People's non-exclusive rights over the national park, including the right to:

- be present on, including by accessing, traversing and camping on the determination area;
- hunt, fish and gather natural resources on the determination area for personal, domestic, and non-commercial communal purposes;
- take, use, share and exchange natural resources from the determination area for personal, domestic and non-commercial communal purposes;
- conduct ceremonies and carry out cultural activities on the determination area;
- be buried and to bury native title holders, in the ground, within the determination 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;

- teach on the determination area the physical and spiritual attributes of the determination area; and
- hold meetings on the determination area.

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

The native title holders are the Juru people, being the descendants of the following Aboriginal people:

Emily Pickard;
Con Lymburner;
Nellie Steel/Stell;
Lena Taylor;
William Morrell and his wife Bessie Rook;
Jinnie Ross;
Eliza Lampton (mother of Arthur Lampton).



Map of determination area



Associated agreements related to the determination

During negotiations, the Juru People and the State Government reached an indigenous land use agreement (ILUA) that establishes how native title rights and interest will be exercised in the national park.

The Juru People also negotiated an ILUA with Ergon Energy, regarding the use and management of the land that sets out how both party's rights and interests will be carried out.

The native title determination will take effect upon the registration of these ILUAs.

Stepping stones

19 June 1997

The Juru People lodged their claim (then called 'Birri Gubba Cape Upstart') with the National Native Title Tribunal.

28 June 1999

Juru People's claim was registered with the National Native Title Tribunal.

8 August 2000 to July 2011

The Tribunal mediated between the parties and helped them reach agreement that the Juru People are the native title holders of the area and helped negotiate the two indigenous land use agreements.

26 July 2011

The Federal Court of Australia made the consent determination at Bowen.



National Native Title Tribunal



Copy of judgment and determination

You can find a copy of the judgment and determination on the Federal Court of Australia's website:
www.fedcourt.gov.au under the sub-heading 'Judgments'.

Further information

**National Native Title
Tribunal**
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**North Queensland Land
Council**
61 Anderson Street
Cairns Qld 4870
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**Prescribed Body Corporate
Kyburra Munda Yalga
Aboriginal Corporation
c/- North Queensland Land
Council**
61 Anderson Street
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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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